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Fifty-sixth session
Agenda item 136

Financing of the United Nations Transitional Administration in East Timor

Report of the Fifth Committee

Rapporteur: Mr. Santiago **Wins** (Uruguay)

I. Introduction

1. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-sixth session the item entitled "Financing of the United Nations Transitional Administration in East Timor" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 35th and 36th meetings, on 12 and 13 December 2001. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/56/SR.35 and 36).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General containing the budget for the United Nations Transitional Administration in East Timor for the period from 1 July 2001 to 30 June 2002 (A/56/624) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/56/685).

II. Consideration of draft resolution A/C.5/56/L.20

4. At the 36th meeting, on 13 December, the representative of Nepal, Vice-Chairman of the Committee and coordinator of the informal consultations on the item, introduced a draft resolution entitled "Financing of the United Nations Transitional Administration in East Timor" (A/C.5/56/L.20).

5. At the same meeting, the Committee adopted draft resolution A/C.5/56/L.20 without a vote (see para. 6).

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III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Transitional Administration in East Timor

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Transitional Administration in East Timor[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Bearing in mind Security Council resolution 1272 (1999) of 25 October 1999 regarding the establishment of the United Nations Transitional Administration in East Timor and resolution 1338 (2001) of 31 January 2001, by which the Council extended the mandate of the Transitional Administration,

Recalling its resolution 54/246 A of 23 December 1999 on the financing of the Transitional Administration and its subsequent resolutions thereon, the latest of which was resolution 55/228 B of 14 June 2001,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874 (S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the trust fund for the multinational force,

Also noting with appreciation that voluntary contributions have been made to the Trust Fund for the United Nations Transitional Administration in East Timor, and inviting further such contributions to the Trust Fund,

Mindful of the fact that it is essential to provide the Transitional Administration with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Takes note* of the status of contributions to the United Nations Transitional Administration in East Timor as at 15 November 2001, including the contributions outstanding in the amount of 239.9 million United States dollars, representing some 20 per cent of the total assessed contributions from the inception of the Transitional Administration to the period ending 31 December 2001, notes that some 19 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full and on time, and urges all other Member States to

[1] A/56/624.
[2] A/56/685.

make every possible effort to ensure payment of their assessed contributions to the Transitional Administration in full and on time;

3. *Expresses concern* about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

4. *Expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

5. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

6. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Transitional Administration;

8. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] and requests the Secretary-General to ensure their full implementation;

9. *Requests* the Secretary-General to take all necessary action to ensure that the Transitional Administration is administered with a maximum of efficiency and economy;

10. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Transitional Administration against General Service posts, commensurate with the requirements of the Transitional Administration;

11. *Decides* to appropriate the amount of 458,000,128 dollars gross (445,193,514 dollars net) for the operation of the Transitional Administration for the period from 1 July 2001 to 30 June 2002, inclusive of the amount of 3,000,128 dollars gross (2,773,914 dollars net) for the support account for peacekeeping operations, in addition to the amount of 17,027,947 dollars gross (14,943,699 dollars net) already appropriated for the support account for peacekeeping operations and the amount of 1,778,786 dollars gross (1,597,340 dollars net) already appropriated for the United Nations Logistics Base by the General Assembly in its resolution 55/228 B, and inclusive of the amount of 282 million dollars gross (273,025,800 dollars net) authorized by the Assembly in its resolution 55/228 B;

12. *Decides also*, taking into account the amount of 282 million dollars gross (273,025,800 dollars net) already apportioned for the period from 1 July to 31 December 2001 and the amount of 18,806,733 dollars gross (16,541,039 dollars net) already apportioned for the period from 1 July 2001 to 30 June 2002, in accordance with the provisions of its resolution 55/228 B, to apportion among Member States the amount of 23,000,128 dollars gross (22,220,931 dollars net) for the period from

1 to 31 January 2002, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000, and taking into account the scale of assessments for the year 2002, as set out in its resolution 55/5 B of 23 December 2000;

13. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 779,197 dollars approved for the Transitional Administration for the period from 1 to 31 January 2002;

14. *Decides* to apportion among Member States the amount of 100,000,000 dollars gross (97,235,083 dollars net) for the period from 1 February to 30 June 2002, at a monthly rate of 20,000,000 dollars gross (19,447,016 dollars net), in accordance with the scheme set out in the present resolution and taking into account the scale of assessments for the year 2002, as set out in its resolution 55/5 B, subject to the decision of the Security Council to extend the mandate of the Transitional Administration beyond 31 January 2002;

15. *Decides also* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 14 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 2,764,917 dollars approved for the Transitional Administration for the period from 1 February to 30 June 2002;

16. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

17. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Transitional Administration;

18. *Invites* voluntary contributions to the Transitional Administration in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

19. *Decides* to keep under review during its fifty-sixth session the item entitled "Financing of the United Nations Transitional Administration in East Timor".

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Fifty-sixth session
Agenda items 106 (b) and 123

Third United Nations Conference on the Least Developed Countries: implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010

Proposed programme budget for the biennium 2002-2003

Third United Nations Conference on the Least Developed Countries

Programme budget implications of draft resolution A/C.2/56/L.78

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the statement submitted by the Secretary-General (A/C.5/56/29) in accordance with rule 153 of the rules of procedure of the General Assembly, on the programme budget implications of draft resolution A/C.2/56/L.78.

2. As indicated in paragraph 1 of the statement, when adopting draft resolution A/C.2/56/L.78, the Second Committee was informed that the programme budget implications for the adoption of the draft resolution were contained in the report of the Secretary-General (A/56/645 and Add.1 and Add.1/Corr.1 and Corr.2) and that the provision for the requirements for the implementation of the draft resolution would be decided in accordance with the recommendation of the Fifth Committee.

3. The Advisory Committee notes that, under the terms of operative paragraphs 1, 2 and 9 of draft resolution A/C.2/56/L.78, the General Assembly would:

(a) Establish the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, as proposed by the Secretary-General in paragraph 16 of his report;

(b) Request the Secretary-General to take immediate measures to make the Office operational as soon as possible;

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(c) Decide that the provisions of the resolution would be implemented within the approved level of the biennium 2002-2003 budget and request the Secretary-General to seek voluntary contributions for the Office.

4. The Advisory Committee also notes that the activities to be carried out by the Office of the High Representative relate to programme 8, Africa: New Agenda for Development, and programme 9, Trade and development, of the medium-term plan for 2002-2005[1] and to sections 10 and 11A of the proposed programme budget for the biennium 2002-2003 (A/56/6 (sects. 10 and 11A), respectively. The key functions of the Office of the High Representative, which reproduce those contained in paragraph 17 of the report of the Secretary-General, are listed in paragraph 5 of his statement.

5. As shown in table 2 and indicated in paragraph 10 of the statement, total requirements would amount to $3,906,400, of which a provision for $3,055,600 would be approved under a new section, 9A, Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, and another for $850,000 under section 27D, Office of Central Support Services. The proposal would also result in reductions of $709,900 and $1,975,800 under section 10, Africa: New Agenda for Development, and section 11A, Trade and development, respectively, of the proposed programme budget for the biennium 2002-2003, as a result of the transfer of activities to the new section 9A. In view of the foregoing, as indicated in paragraph 25 of the statement, the total net additional requirements for the establishment of the Office of the High Representative amount to $1,220,700.

6. The staffing proposed, shown in table 1, includes a total of 13 regular budget posts (9 Professional posts, including 1 Under-Secretary-General, and 4 General Service). This would be achieved by the establishment of one Under-Secretary-General and one D-2 level post and the redeployment of three posts from subprogramme 1 (Mobilization of international support and global coordination) of section 10, Africa: New Agenda for Development (1 P-5, 1 P-4, 1 General Service) and of eight posts from section 11A, Trade and development (1 P-5, 2 P-4, 1 P-3, 1 P-2 and 3 General Service). It is also indicated that it is anticipated that six other posts (1 P-5, 1 P-3, 3 General Service) would be seconded from other organizations or provided through extrabudgetary resources.

7. The amount indicated for non-post resources, out of the total requirements in table 2, amounts to $1,231,400 or to $1,128,400, out of the net total requirements of $1,220,700. This is mostly due to estimated total requirements of $850,800 for rental of premises and alterations ($522,800 and $328,000, respectively) of the space in New York, which would arise under section 27D, Office of Central Support Services, as indicated in paragraphs 22 and 23 of the statement.

8. The Advisory Committee notes that the statement submitted by the Secretary-General only provides the proposed post and non-post changes resulting from the establishment of the Office of the High Representative. It does not provide any indication of the impact of the changes proposed upon the other entities involved or of its related programmatic effects on sections 10 or 11A. In this connection, the statement is also lacking as to how the operational capacity of the organizations and bodies of the system, in particular the United Nations Conference on Trade and Development (UNCTAD), will be enhanced in their activities aimed at supporting developing countries, in particular the least developed countries, landlocked

developing countries and small island developing States (see operative para. 3 of draft resolution A/C.2/56/L.78).

9. **In view of the decision contained in operative paragraph 1 and the request contained in operative paragraph 2 of draft resolution A/C.2/56/L.78, the Advisory Committee recommends the establishment of the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States and of a post at the Under-Secretary-General level to carry out the functions indicated in paragraph 5 of the statement (see also para. 17 of the report of the Secretary-General). The Advisory Committee also recommends that the Fifth Committee take note of the proposal to provide up to 12 other posts for the Office, but that it defer a decision on the permanent establishment of these posts under the new section 9A until submission of a report by the Secretary-General on the programmatic implications and impact on the activities of the affected sections of the programme budget, namely 10 and 11A. The report should also contain a carefully articulated indication of resources required, including total availability of posts, either seconded from other agencies in the system or to be funded from available voluntary contributions.**

10. **In addition, the report should address how the operational capacity of the organizations and bodies of the system, in particular UNCTAD, will be enhanced in their activities aimed at supporting developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, as the Secretary-General is called upon to do in operative paragraph 3 of draft resolution A/C.2/56/L.78, and how system-wide coordination is to be achieved. Upon inquiry, the Advisory Committee was informed that two posts (one full-time and one part-time) currently deal with this issue within UNCTAD. Information should also be provided at the regional level, taking into account the role of the regional commissions indicated in paragraph 10 of the report of the Secretary-General.**

11. **The Advisory Committee recommends that the Fifth Committee inform the General Assembly that, should it adopt draft resolution A/C.2/56/L.78, net additional appropriations up to $1,220,700, as specified in paragraph 27 of the statement submitted by the Secretary-General, would be required at this stage, subject to the procedures for the use and operation of the contingency fund, it being understood that this amount would be adjusted in the light of the report requested above.**

Notes

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 6* (A/55/6/Rev.1).

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Fifty-sixth session
Agenda items 131 and 132

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Revised estimates resulting from the strengthening of the role of internal oversight services at the International Tribunals for the biennium 2002-2003

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the revised estimates resulting from the strengthening of the rule of the internal oversight services at the International Tribunals for the biennium 2002-2003 (A/C.5/56/30). During its consideration of the report, the Committee met with representatives of the Secretary-General.

2. The Advisory Committee points out that it is unusual for a supplementary request to follow so closely the initial estimates for the activity under consideration and in the midst of discussion of the initial estimates in the Fifth Committee. Under the circumstances, the proper course of action would have been to submit these proposals in the context of a statement of programme budget implications of such draft decision as the Fifth Committee might have made.

3. According to the report, the current oversight services provided by the Office of Internal Oversight Services to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are not optimal owing to a lack of adequate resources. In order to address this situation, it is proposed to expand oversight services at both Tribunals by placing resident auditors at both The Hague and Arusha. Initially, for the six-month period

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from 1 January to 30 June 2002, additional appropriations are requested in the amounts of $167,550 and $219,850 under the biennial budgets for 2002-2003 for the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda respectively (ibid., paras. 2, 3 and 10).

4. The Secretary-General proposes a provision of $300,400 under general temporary assistance ($123,050 for the International Tribunal for the Former Yugoslavia and $177,350 for the International Criminal Tribunal for Rwanda to cover the costs of six posts (4 P-4 and 2 P-3) for the first six months of 2002 for audit and investigation services for both Tribunals. Three posts (2 P-4 and 1 P-3) would be located at The Hague and the other three (2 P-4 and 1 P-3) would be located at Arusha (ibid., para. 4 and annex).

5. The Advisory Committee notes with concern the significant disparity in the number of audit and investigation days the Office of Internal Oversight Services dedicated to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda during the biennium 2000-2001. The Office dedicated 128 days for the internal audit of the International Tribunal for the Former Yugoslavia and only 29 days for the International Criminal Tribunal for Rwanda. Similarly, with regard to investigations, the Office dedicated 129 days for the International Tribunal for the Former Yugoslavia and only 63 for the International Criminal Tribunal for Rwanda (see ibid., para. 1). **It should be recalled that both the Advisory Committee and the Board of Auditors have in the past, stressed the need to formulate proper internal audit plans for the Tribunals. The Committee requests that these shortcomings in the planning of the audit work programme for the International Tribunals be addressed as a matter of priority.**

6. The Advisory Committee notes that the amount of $65,000 is requested to cover the costs of travel of Headquarters-based auditors, investigators and management consultants during the year (see ibid., para. 7). **The Committee believes that savings should arise under this category of expenditure with the posting of resident auditors at The Hague and Arusha and the use of the existing communication infrastructure. These should be reported in the first financial and programme performance reports for the International Tribunals for the biennium 2002-2003.**

7. **The Advisory Committee has no objection to the proposed additional resources under general temporary assistance to expand the internal audit and investigation coverage at the Tribunals. The Committee gave high priority to these matters during its review of the budget estimates (see, for example, A/55/642). The Committee requests, however, that the issue of providing resources on a continuing basis beyond the first six months of 2002 for audit and investigations under the biennial budgets for the International Tribunals for 2002-2003 be submitted in the context of the first financial and programme performance report for the Tribunals for the biennium 2002-2003 (see A/56/665, para. 13, and A/56/666, para. 3).**

8. **Under the circumstances, the Advisory Committee recommends that the General Assembly approve the additional appropriations in the amounts of $167,550 and $219,850 under the biennial budgets for 2002-2003 for the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda respectively.**

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Security Council

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General Assembly
Fifty-sixth session
Agenda item 42
The situation in the Middle East

Security Council
Fifty-sixth year

Letter dated 18 December 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

I have the honour to inform you that since yesterday, Israeli military aircraft, included 35 warplanes and 5 helicopters, have been engaging in intensive violations of Lebanese airspace, breaking the sound barrier over Lebanese cities and villages.

At present the Israeli military aircraft are still continuing their provocative acts, which reached a dangerous level yesterday when, starting at 17.20 hours, 14 military aircraft at once overflew Lebanese cities and regions at low altitudes, causing anxiety and terror among Lebanese civilians, especially children, and terrifying large numbers of tourists who had come to spend the holiday period in Lebanon, owing to the repeated breaking of the sound barrier by those aircraft during the night-time hours.

The Israeli violations mentioned above are unjustified acts of provocation, especially since they come at a time when complete tranquillity reigns over South Lebanon. They once again belie Israel's assertions that it is calling for pacification and confirm its efforts to escalate tension through its provocation and its aggression against Lebanon, which are in flagrant violation of Security Council resolution 425 (1978) and of Lebanon's sovereignty and pose a threat to security and stability in the region.

Lebanon, in drawing your attention to the seriousness of the Israeli violations, requests you to exert the necessary efforts to stop Israeli aggression and provocation.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Sélim **Tadmouri**
Ambassador
Permanent Representative

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United Nations A/56/719-S/2001/1213

General Assembly
Security Council

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General Assembly
Fifty-sixth session
Agenda item 43
The situation in Afghanistan and its implications for international peace and security

Security Council
Fifty-sixth year

Letter dated 18 December 2001 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you the text of the message of His Excellency Mr. Islam Karimov, President of the Republic of Uzbekistan, to the Secretary-General of the United Nations on the situation in Afghanistan (see annex).

I should be grateful if you would have the text of the present message circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Alisher **Vohidov**
Permanent Representative

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Annex to the letter dated 18 December 2001 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Message from the President of the Republic of Uzbekistan to the Secretary-General of the United Nations

Uzbekistan fully supports the efforts of the United Nations to bring about peace and a stable situation in Afghanistan. The documents drawn up and adopted at the United Nations and also the decisions taken by the Six plus Two group on the situation in Afghanistan and the post-war reconstruction of that country, which formed the basis for Security Council resolution 1378 (2001) of 14 November 2001, are, first and foremost, of particular importance.

The resolution's five paragraphs, in our opinion, objectively meet the interests of all the warring, opposing sides in Afghanistan and, without any doubt, should become the principled basis for all subsequent agreements on forming a broadly representative, legitimate coalition government and, ultimately, for achieving stability in Afghanistan and establishing normal good-neighbourly relations between that country and neighbouring States in accordance with the principles and norms of international law.

Uzbekistan supports the agreements reached in Bonn at the United Nations conference on an internal Afghan settlement, and the establishment of a provisional administration headed by Hamid Karzai. We consider these agreements as the first step on the path of a peace process aimed at achieving a compromise between the opposing sides and forming Afghanistan's constitutional State structure on this basis.

At the same time, Uzbekistan, which borders directly with Afghanistan, views closely and with profound understanding the misfortunes and losses that became the fate of the long-suffering Afghan people. During the confrontation in Afghanistan, which has been continuing now for more than 20 years, an entire generation of people drawn into this bloody warfare has grown up. As a result of the protracted opposition, habitual mutual distrust, suspicion, and intolerance have come about in the relations between the sides representing various territorial, ethnic and religious forces. Taking into account all these factors, which have a negative impact on the situation in the country, one can clearly imagine the problems and difficulties that will arise on the path of establishing peace and stability in this State.

Objectively taking into consideration the real situation within and outside Afghanistan, Uzbekistan, like many other countries in the international community, is today undertaking all possible efforts and practicable steps to facilitate the provision of humanitarian assistance to the Afghan people for the purpose of speedily stabilizing the situation in that country. Approximately 6,000 tons of various humanitarian supplies not only of the United Nations, but also of other international humanitarian organizations, have recently been transported into Afghanistan from the territory of Uzbekistan.

The opening of the bridge over the Amu Darya river on 9 December 2001, which was carried out with the participation of representatives of the United Nations

and other international organizations, constituted a further step on the path of mitigating the difficult lot of the Afghan people, which is being aggravated by the severe conditions brought on by the arrival of winter.

The enormous arsenals of military equipment, weapons and ammunition that have been accumulated in Afghanistan during the years of warfare in that territory are one of the serious factors that might not only complicate and exacerbate the situation in the country, but also create conditions for new breeding grounds of local fighting. According to data provided by experts, millions of small arms and thousands of heavy weapons and other military equipment have accumulated in Afghanistan alone.

The fact that these arms remain at the disposal of various practically uncontrollable groups and armed units cannot but give rise to particular alarm. A large quantity of arms is in the hands of the civilian population.

It is important to realize that all this enormous mass of weapons may, for one reason or another, be taken up and used by the warring sides in order to settle international, inter-ethnic, religious and other differences, which, unfortunately, cannot for the time being be excluded.

Any armed confrontation can then lead to an escalation of the war in Afghanistan, with new turns in the course of events and in new forms, increase tension and destabilize the situation in the region as a whole.

We believe that a forwardly moving process of stabilizing the situation and restoring a peaceful life in Afghanistan must be accompanied by a solution to the problem of reducing and removing the enormous mass of weapons that have accumulated during the decades of warfare in Afghanistan, which will make it possible to establish the necessary prerequisites for preventing the further militarization of the situation in that country.

In view of what has been stated above, Sir, I request to you to approach the Security Council with an initiative aimed at considering and adopting a corresponding decision on this matter.

(*Signed*) I. **Karimov**
President of the Republic of Uzbekistan

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Fifty-sixth session
Agenda items 43 and 123

The situation in Afghanistan and its implications for international peace and security

Proposed programme budget for the biennium 2002-2003

Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan and the situation in Afghanistan and its implications for international peace and security

Programme budget implications of draft resolution A/56/L.62

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the statement submitted by the Secretary-General (A/C.5/56/31), in accordance with rule 153 of the rules of procedure of the General Assembly, on the programme budget implications of draft resolution A/56/L.62.

2. The Advisory Committee recalls that, pursuant to General Assembly resolution 55/174 A of 19 December 2000 on the situation in Afghanistan and its implications for international peace and security, the mandate of the United Nations Special Mission to Afghanistan (UNSMA), established under resolution 48/208 of 21 December 1993, was extended from 1 January to 31 December 2001.

3. As indicated in paragraphs 5 and 6 of the statement, under the terms of draft resolution A/56/L.62, the United Nations Special Mission to Afghanistan would continue its primary role in conducting United Nations peacemaking activities in Afghanistan; efforts of UNSMA in helping the interim authority to implement the political aspects of the Bonn agreement would be intensified.

4. Should the General Assembly adopt draft resolution A/56/L.62, the Secretary-General estimates that requirements of $7,355,400 would arise in respect of requirements for 2002 under section 3, Political affairs, of the programme budget for the biennium 2002-2003 (A/56/6 (sect. 3)). The Committee notes that a provision of $93.7 million is included in the proposed programme budget for the biennium 2002-

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2003 for special political missions. According to the Secretary-General, should the General Assembly adopt draft resolution A/56/L.62, the estimated requirements of $7,355,400 would be charged against the provision of $93.7 million for special political missions under section 3, Political affairs, of the proposed programme budget for the biennium 2002-2003.

5. The current structure of the Mission provides for 21 posts in the Professional and above category (1 Assistant Secretary-General, 1 D-1, 5 P-5, 7 P-4 and 7 P-3), 5 General Service posts, 6 Field Service posts, 49 Local level posts and 4 military observers. As indicated in paragraphs 8 and 9 of the statement, the Secretary-General proposes that in 2002 the staff of the Mission be strengthened by one additional D-1 post to head the Political Section of the Mission, two new Civil Affairs Officer posts (P-4) and two new Field Service posts (1 Security Coordinator and 1 Air Safety Officer); moreover, the upgrading of a P-5 post to the D-1 level is requested for the Civil Affairs Coordinator. The number of military observers for 2002 would be reduced from four to three.

6. The Advisory Committee notes from paragraph 3 of annex I B to the statement that the costing of salaries and common staff costs in 2002 assumes a vacancy rate of 12 per cent for both international and local staff; this assumption reflects the actual vacancies in the Mission during the period 2000-2001, as well as the expectation that positions would be filled faster during 2002. In this connection, the Advisory Committee notes that the performance report for the Mission for the period from 1 January 2000 to 31 December 2001 reflects savings of $1.2 million, which resulted mainly from the high vacancy rate (16 per cent) in international and local staff (see paragraph 2 of annex III B to the statement).

7. The Advisory Committee recommends that the Fifth Committee inform the General Assembly that, should it adopt draft resolution A/56/L.62, an amount of $7,355,400 would be charged against the provision of $93.7 million for special political missions requested under section 3, Political affairs, of the proposed programme budget for the biennium 2002-2003.

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Fifty-sixth session
Agenda item 150
Financing of the United Nations Observer Mission in Georgia

Financial performance report of the United Nations Observer Mission in Georgia

Report of the Secretary-General

Summary

The present report contains the financial performance report of the United Nations Observer Mission in Georgia for the period from 1 July 2000 to 30 June 2001. The General Assembly, by its resolution 54/271 of 15 June 2000, appropriated an amount of $30,048,197 gross ($28,295,699 net) for the same period.

Expenditures for the period totalled $26,001,000 gross ($24,249,000 net), resulting in an unencumbered balance of $4,047,197 gross ($4,046,699 net).

The unencumbered balance resulted mainly from military personnel, civilian personnel and operational requirements.

The actions to be taken by the General Assembly in connection with the financing of the Mission are set out in paragraph 16 of the present report.

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I. Introduction

1. The United Nations Observer Mission in Georgia (UNOMIG) was established by the Security Council in its resolution 858 (1993) of 24 August 1993. The Mission's mandate has been extended by subsequent Security Council resolutions, the most recent of which was 1364 (2001) of 31 July 2001, by which the Council extended the mandate for a new period terminating on 31 January 2002.

2. The budget for the maintenance of UNOMIG for the period from 1 July 2000 to 30 June 2001 amounted to $28,399,800 gross ($26,891,100 net) (see A/54/735). It provided for the maintenance of up to 135 military observers, 89 international staff and 148 locally recruited staff. The Advisory Committee on Administrative and Budgetary Questions recommended that the General Assembly appropriate $28,399,800 gross ($26,891,100 net) for the period from 1 July 2000 to 30 June 2001 (A/54/841/Add.5, para. 18).

3. The General Assembly, by its resolution 54/271 of 15 June 2000, appropriated an amount of $30,048,197 gross ($28,295,699 net) for the maintenance of UNOMIG for the period from 1 July 2000 to 30 June 2001, inclusive of $1,425,532 gross ($1,206,299 net) for the support account for peacekeeping operations and $222,865 gross ($198,300 net) for the United Nations Logistics Base at Brindisi, Italy. This amount has been assessed on Member States.

II. Implementation of the budget

4. Information on the operations of UNOMIG and on the situation on the ground during the period under review is contained in the reports of the Secretary General to the Security Council dated 17 July 2000 (S/2000/697), 25 October 2000 (S/2000/1023), 18 January 2001 (S/2001/59) and 24 April 2001 (S/2001/401).

5. During the reporting period, the Mission continued to operate in an insecure environment. The security situation in the conflict zone ranged from calm but unstable at the beginning of the fiscal year to mostly calm but very volatile in January 2001. This was followed by an escalation in violent activities in April and May 2001. The prevailing conditions continued to cause serious concerns about the security and safety of personnel. Consequently, new security measures were implemented, including additional temporary security staff, reinforcement of fences and entrance gates at some locations, the installation of closed-circuit television units at Zugdidi and improved residential security to enable staff to safeguard lives and property. Taxi service was also contracted due to the imposition of curfew hours which resulted in restricted movement of United Nations vehicles outside the Zugdidi logistics base. It should be noted that, as a result, expenditures incurred by the Mission in connection with the safety and security of personnel for the period under review amounted to $381,536 for the items listed in table 1 below:

Table 1
Expenditures for staff security
(Thousands of United States dollars)

Item	*Expenditure*
International security personnel	224.2
Local security personnel	12.5
Alterations and renovations to premises	3.9
Air operations	9.6
Other equipment	47.6
Supplies and services	83.7
Total	**381.5**

6. Furthermore, since there was no improvement in the security situation in contrast to the prior period, it was once again decided not to deploy fully the authorized strength of 135 military observers. The average monthly deployment was 102, resulting in savings of $1,161,400.

7. There were also violations by both parties to the Agreement on a Ceasefire and Separation of Forces, signed in Moscow on 14 May 1994. These violations had a negative impact on the peace process and resulted in restrictions on the movement of UNOMIG personnel, thereby limiting the Mission's ability to perform its mandated tasks fully.

8. The budgeted resources for international civilian personnel were based on a vacancy rate of 10 per cent and provided for 32 per cent of the Professional and Field Service staff as mission appointees. Despite the fact that the actual vacancy rate was 2 per cent, savings were realized as approximately 65 per cent of the staff were mission appointees.

9. Although the Engineering Section contributed significantly to ensuring greater mobility for the Mission in its patrolling and monitoring activities by improving the condition of vital roads and bridges, the deterioration in the security situation and the ongoing lack of reliable contractors prevented the execution of some infrastructure repair activities. For the same reasons, the planned opening of the team bases and renovation of additional office space at Sukhumi were not achieved. Under the circumstances, a decision was made to construct a "container complex" at somewhat higher costs than budgeted to meet the requirements for office space. This was partially covered by savings accruing from lower actual rental costs. The savings on rent resulted from cancellation of plans to relocate the Gali offices, lower actual occupancy of staff accommodations in Sukhumi, the continued closure of the team bases and non-use of three repeater sites.

10. The Mission incurred additional expenditures for its energy supply owing to the limited capacity and unreliability of the local electricity supply. This led to increased reliance on the use of generators and greater consumption of fuel, which increased in price during the period.

11. Due to the receipt of ballistic-protective and other vehicles, the inventory of newer vehicles increased, thereby reducing the requirement for spare parts, repairs and maintenance.

12. The actual number of hours flown by both the fixed-wing aircraft and the helicopters were fewer than budgeted due to prevailing conditions. The savings which accrued as a result were partially offset by the increased cost of fuel and changes in contractual arrangements.

13. Economy measures implemented by the Mission included the negotiation of favourable prices for communications equipment and the purchase of furniture at lower prices in Russia instead of from other international suppliers in Europe as envisaged. Successful negotiations also resulted in the maintenance of rent at previous levels for some premises and plots for repeater sites.

III. Financial performance report for the period from 1 July 2000 to 30 June 2001

14. As indicated in table 2, an amount of $30,048,197 gross ($28,295,699 net) was appropriated for the maintenance of UNOMIG for the period from 1 July 2000 to 30 June 2001. The related expenditures amounted to $26,001,000 gross ($24,249,000 net), inclusive of $4,363,600 in unliquidated obligations. The unencumbered balance of $4,047,197 gross ($4,046,699 net) represents, in gross terms, 13.4 per cent of the amount appropriated. Annex I to the present report contains the financial performance information for the reporting period by budget line item. Supplementary information on significant variances is presented in annex II. Annex IV contains a chart showing apportionment and expenditure by main budget groups.

Table 2
Apportionment and expenditure
(Thousands of United States dollars)

Category of expenditure	*Apportionment*	*Expenditure*[a]	*Variance*
Military personnel	4 863.2	3 701.8	1 161.4
Civilian personnel	12 785.4	10 770.0	2 015.4
Operational requirements	9 169.5	8 285.7	883.8
Other programmes[b]	73.0	86.9	(13.9)
United Nations Logistics Base at Brindisi	198.3	198.3	-
Support account for peacekeeping operations	1 206.3	1 206.3	-
Staff assessment	1 752.5	1 752.0	0.5
Gross requirements	**30 048.2**	**26 001.0**	**4 047.2**
Income from staff assessment	(1 752.5)	(1 752.0)	(0.5)
Net requirements	**28 295.7**	**24 249.0**	**4 046.7**
Voluntary contributions in kind (budgeted)	-	-	-

Category of expenditure	*Apportionment*	*Expenditure*[a]	*Variance*
Voluntary contributions in kind (non-budgeted)	-	-	-
Total resources	**30 048.2**	**26 001.0**	**4 047.2**

[a] Includes an amount of $4,363,600 in unliquidated obligations.
[b] Excluding personnel.

15. Information on the deployment of military observers and civilian personnel during the reporting period is provided in table 3 and annex III.

Table 3
Authorized staffing, incumbency and vacancy rates for military and civilian personnel for the period from 1 July 2000 to 30 June 2001

Personnel category	*Authorized strength*	*Actual strength (average)*	*Vacancy rate (percentage)*
Military observers	135	102	25
International staff	89	87	2
Local staff	148	148	0

IV. Actions to be taken by the General Assembly at its fifty-sixth session

16. **The actions to be taken by the General Assembly in connection with the financing of the United Nations Observer Mission in Georgia are as follows:**

(a) **To decide on the treatment of the unencumbered balance of $4,047,197 gross ($4,046,699 net) for the period from 1 July 2000 to 30 June 2001;**

(b) **To decide on the treatment of other income for the period from 1 July 2000 to 30 June 2001 amounting to $1,719,000 from interest income ($430,000), other/miscellaneous income ($119,000) and savings on or cancellation of prior period obligations ($1,170,000).**

Annex I

Financial performance report for the period from 1 July 2000 to 30 June 2001: summary statement

(Thousands of United States dollars)

Category of expenditure	*(1)* *Apportionment*[a]	*(2)* *Non-recurrent expenditures*	*(3)* *Total expenditures (inclusive of non-recurrent expenditures)*	*(4) = (1 - 3)* *Variance*
I. Military personnel				
1. Military observers	4 770.1	-	3 608.7	1 161.4
2. Military contingents	-	-	-	-
3. Other requirements pertaining to military personnel				
(a) Contingent-owned equipment	53.1	-	53.1	-
(b) Self-sustainment	-	-	-	-
(c) Death and disability compensation	40.0	-	40.0	-
Subtotal, line 3	**93.1**	**-**	**93.1**	**-**
Total, category I	**4 863.2**	**-**	**3 701.8**	**1 161.4**
II. Civilian personnel				
1. Civilian police	-	-	-	-
2. International and local staff	12 785.4	-	10 770.0	2 015.4
3. United Nations Volunteers	-	-	-	-
4. Government-provided personnel	-	-	-	-
5. Civilian electoral observers	-	-	-	-
Total, category II	**12 785.4**	**-**	**10 770.0**	**2 015.4**
III. Operational requirements				
1. Premises/accommodations	1 072.5	573.8	1 154.8	(82.3)
2. Infrastructure repairs	200.0	123.8	123.8	76.2
3. Transport operations	3 398.4	2 020.5	2 665.0	733.4
4. Air operations	2 437.7	-	2 356.6	81.1
5. Naval operations	-	-	-	-
6. Communications	771.1	221.9	685.9	85.2
7. Other equipment	482.7	474.9	538.0	(55.3)
8. Supplies and services	577.1	-	560.7	16.4
9. Air and surface freight				
(a) Transport of contingent-owned equipment	-	-	-	-
(b) Commercial freight and cartage	230.0	-	200.9	29.1
Subtotal, line 9	**230.0**	**-**	**200.9**	**29.1**
Total, category III	**9 169.5**	**3 414.8**	**8 285.7**	**883.8**

	Category of expenditure	(1) Apportionment[a]	(2) Non-recurrent expenditures	(3) Total expenditures (inclusive of non-recurrent expenditures)	(4) = (1 - 3) Variance
IV.	**Other programmes**				
	1. Election-related supplies and services	-	-	-	-
	2. Public information programmes	20.0	-	14.5	5.5
	3. Training programmes	53.0	-	72.4	(19.4)
	4. Mine-clearing programmes	-	-	-	-
	5. Assistance for disarmament and demobilization	-	-	-	-
	Total, category IV	**73.0**	**-**	**86.9**	**(13.9)**
V.	**United Nations Logistics Base at Brindisi**	**198.3**	**-**	**198.3**	**-**
VI.	**Support account for peacekeeping operations**	**1 206.3**	**-**	**1 206.3**	**-**
VII.	**Staff assessment**	**1 752.5**	**-**	**1 752.0**	**0.5**
	Gross requirements, categories I-VII	30 048.2	3 414.8	26 001.0	4 047.2
VIII.	**Income from staff assessment**	**(1 752.5)**	**-**	**(1 752.0)**	**(0.5)**
	Net requirements, categories I-VIII	28 295.7	3 414.8	24 249.0	4 046.7
IX.	**Voluntary contributions in kind (budgeted)**	-	-	-	-
X.	**Voluntary contributions in kind (non-budgeted)**	-	-	-	-
	Total	**30 048.2**	**3 414.8**	**26 001.0**	**4 047.2**
XI.	**Other income/adjustments**				
	Interest income				430.0
	Other/miscellaneous income				119.0
	Voluntary contributions in cash				-
	Prior period adjustments				-
	Savings on or cancellation of prior period obligations				1 170.0
	Total, category XI				**1 719.0**

[a] Based on appropriation provided by General Assembly resolution 54/271.

Annex II

Supplementary information on significant variances

Military personnel

Apportionment: $4,863,200; expenditure: $3,701,800; variance: $1,161,400

1. The unutilized balance of $1,161,400 under this heading was attributable to lower actual requirements for military observers.

Military observers

Apportionment: $4,770,100; expenditure: $3,608,700; variance: $1,161,400

2. The unutilized balance of $1,161,400 under this heading resulted primarily from deployment of military observers at a lower strength than budgeted. Owing to the deterioration in the security situation and the fact that movement was often restricted, patrolling activities did not warrant deployment of the authorized complement of 135 military observers. The average monthly deployment for the period was 102 military observers, resulting in lower actual costs.

Civilian personnel

Apportionment: $12,785,400; expenditure: $10,770,000; variance: $2,015,400

3. The unutilized balance under this heading accrued primarily from lower requirements for international staff salaries and common staff cost. This resulted from the engagement of a higher percentage of the staff as mission appointees. While provision had been made on the assumption that only 32 per cent of the staff would be mission appointees, the actual rate was 65 per cent.

4. Immediate replacements were hired for eight local staff who were deployed to other operations as follows:

Deployed to:	*Number of staff*
United Nations Mission in Ethiopia and Eritrea (UNMEE)	2
United Nations Transitional Administration in East Timor (UNTAET)	3
United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)	1
United Nations Office of the Humanitarian Coordinator in Iraq (UNOCHI)	2
Total	**8**

Operational requirements

Apportionment: $9,169,500; expenditure: $8,285,700; variance: $883,800

5. The unutilized balance under this heading was due primarily to lower requirements, totalling $1,021,400, for infrastructure repairs ($76,200), transport operations ($733,400), air operations ($81,100), communications ($85,200), miscellaneous supplies and services ($16,400) and air and surface freight ($29,100). This unutilized balance was offset by additional requirements totalling $137,600 for premises ($82,300) and other equipment ($55,300).

Infrastructure repairs

Apportionment: $200,000; expenditure: $123,800; variance: $76,200

6. The unutilized balance was due primarily to the postponement of a number of planned projects owing to the unstable security situation and difficulties in identifying suitable contractors locally. Instead, a number of smaller scale projects to repair roads and bridges were undertaken. These yielded immediate improvements in operational traffic and the security and safety of personnel.

Transport operations

Apportionment: $3,398,400; expenditure: $2,665,000; variance: $733,400

7. The unutilized balance under this heading resulted primarily from the acquisition of vehicles at lower cost than budgeted and non-procurement of one ambulance, as well as from lower actual requirements for spare parts, repairs and maintenance owing to a higher inventory of new vehicles. The cancellation of the requirement for fleet management data recording systems and changes in the other items contributed to lower actual costs for workshop equipment. Furthermore, there was a decrease in the rates for the Commonwealth of Independent States for vehicle insurance from $200 to $154 per unit for civilian vehicles and from $350 to $270 for military pattern vehicles.

Communications

Apportionment: $771,100; expenditure: $685,900; variance: $85,200

8. The unutilized balance is due mainly to lower actual costs for some items of equipment and for commercial communications.

Other equipment

Apportionment: $482,700; expenditure: $538,000; variance: ($55,300)

9. The additional requirements under this heading related mainly to electronic data processing networking equipment for the Local Area and Wide Area networks. Reimbursement was also made to the United Nations Transitional Administration in East Timor for a generator diverted to UNOMIG on an emergency basis to meet the demand for back-up power. As a result of ongoing concerns for the safety and security of personnel, additional equipment, including smoke detectors, fire

extinguishers, security cameras, security investigation equipment and emergency lights, were purchased.

Air and surface freight

Apportionment: $230,000; expenditure: $200,900; variance: $29,100

10. The unutilized balance resulted from the receipt of fewer consignments than anticipated.

Other programmes

Apportionment: $73,000; expenditure: $86,900; variance: ($13,900)

11. The additional requirements under this heading related to an increase in the scope of training programmes ($19,400). This increase was partially offset by lower actual requirements under public information programmes ($5,500).

Public information programmes

Apportionment: $20,000; expenditure: $14,500; variance: $5,500

12. The requirements under this heading were limited to the services of two media analysts to conduct research on political developments in the country and to the purchase of materials and supplies, resulting in lower costs than budgeted.

Training programmes

Apportionment: $53,000; expenditure: $72,400; variance: ($19,400)

13. The additional requirements under this heading were due to changes in the number and cost of the courses planned. A total of 12 different courses were offered involving 18 participants. Of these, seven courses were held at the United Nations Logistics Base at Brindisi, Italy, two at Vienna, two in Greece and one at Geneva. An amount of $7,133 relating to training courses for the prior period is included in the total expenditure. Training courses in communications and information technology upgraded and refined the skills of the staff involved, which in turn enabled the staff to upgrade various networks within UNOMIG. Some weaknesses addressed by the training courses related to air safety and accident investigations. Despite basic skills and good backgrounds in these areas, the staff needed training in order to keep abreast of technological advances. In this connection, the training undertaken in air operations, air safety, air traffic control, transportation of dangerous goods and accident investigations was particularly helpful.

Training programmes carried out during the period from 1 July 2000 to 30 June 2001

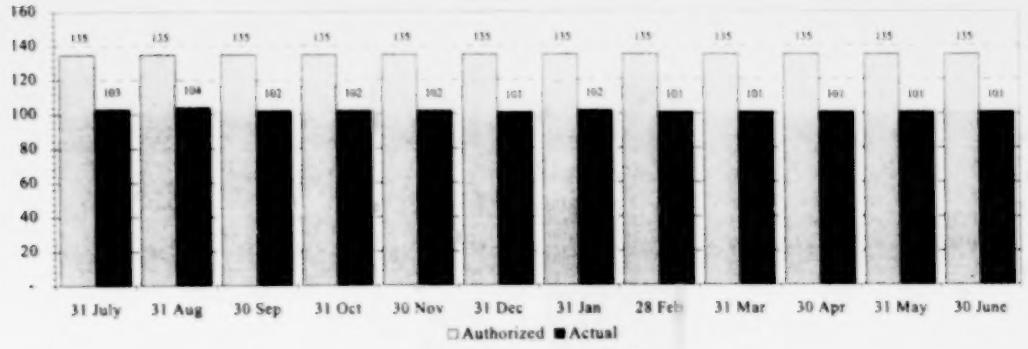
Description of training	*Expenditure (United States dollars)*	*Number of persons trained*	*Venue*
REALITY system training	7 186	3	UNLB[a]
CISCO systems course/ISDN/MD-110 training	14 510	2	UNLB[a]
IMMERSON training	9 583	1	UNLB[a]
Management workshop for Chief Procurement Officers	3 524	1	Greece
Handling of dangerous goods	7 926	2	Greece
Flight operations management training course	3 569	1	Geneva
Information technology planning meeting and management workshop	830	1	UNLB[a]
CISCO voice-over frame relay	1 955	1	UNLB[a]
Driving of VIPs	5 858	2	Vienna
Communications technical training course	4 116	1	UNLB[a]
Security management training	1 196	1	Vienna
Nissan and Toyota technical courses	4 974	2	UNLB[a]
Outstanding payment for 1999/2000 courses	7 133		
Total	**72 360**		

[a] United Nations Logistics Base at Brindisi, Italy.

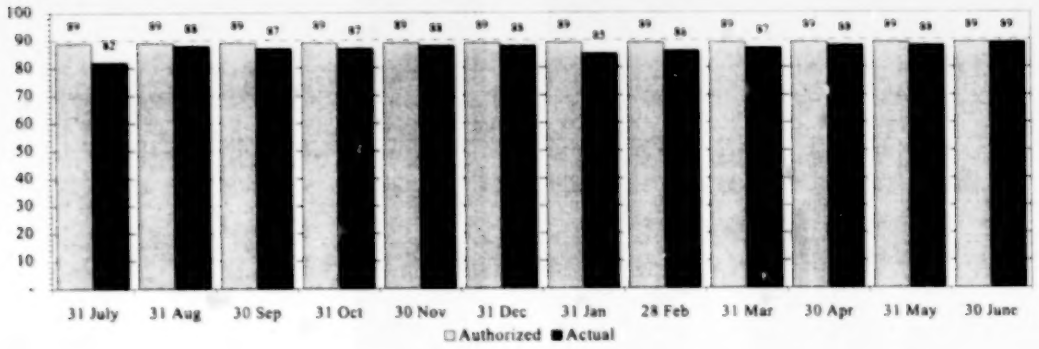
Annex III

Planned and actual deployment of military and civilian personnel for the period from 1 July 2000 to 30 June 2001

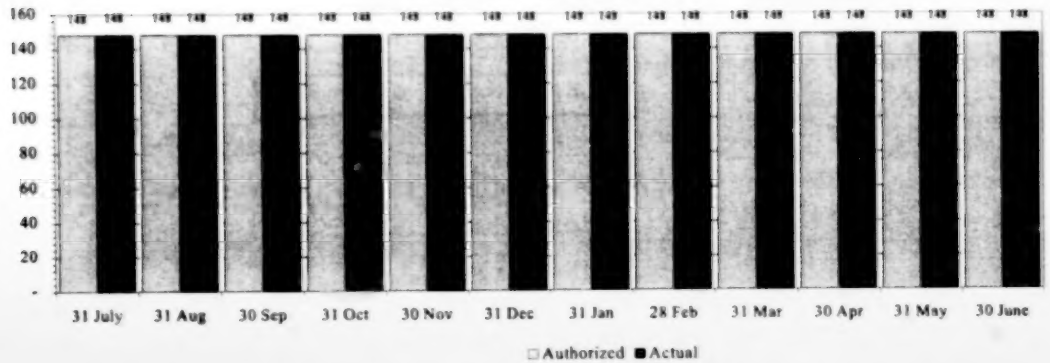
1. Military observers



2. International staff

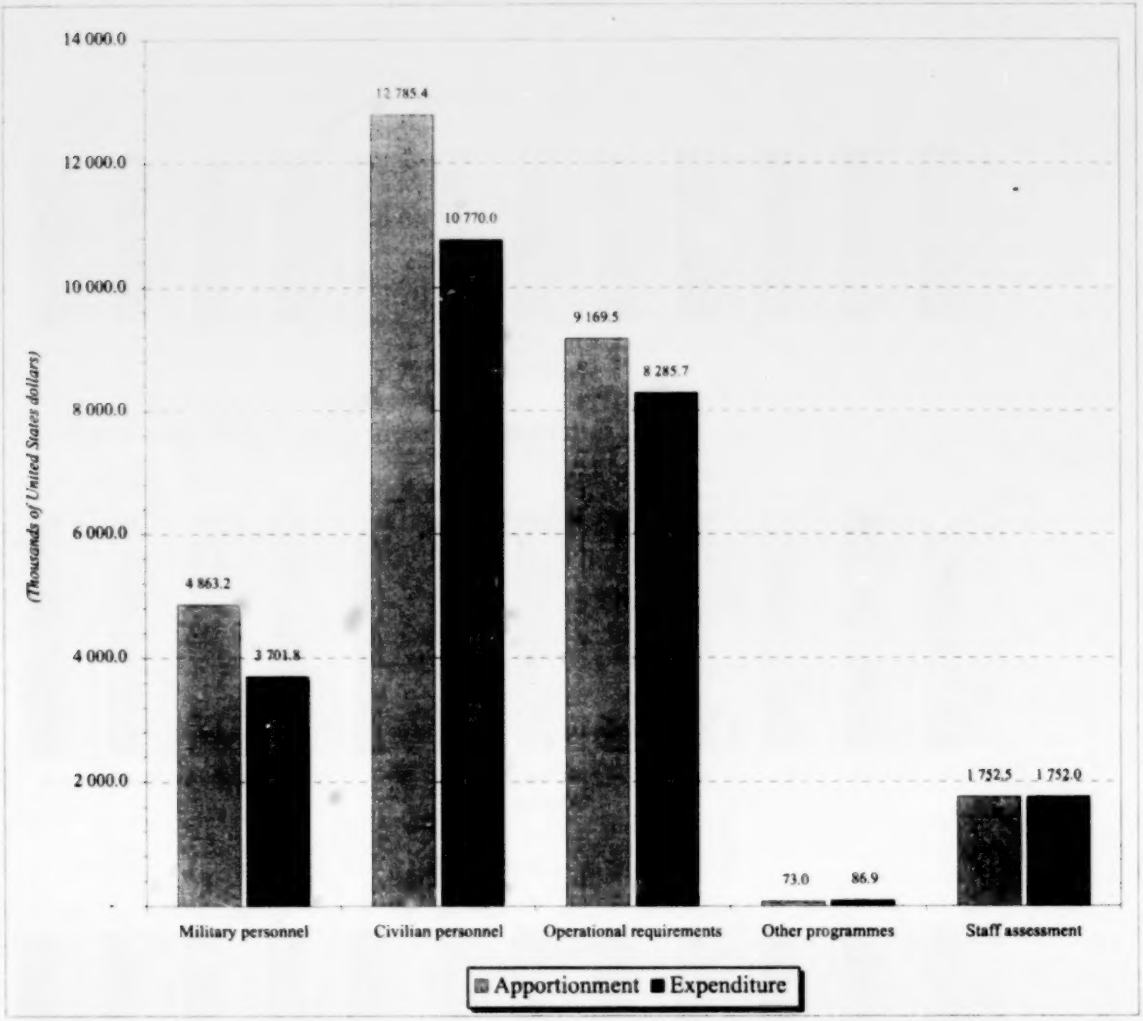


3. Local staff



Annex IV

Apportionment and expenditure for the period from 1 July 2000 to 30 June 2001



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Financing of the United Nations peacekeeping forces in the Middle East: United Nations Interim Force in Lebanon

Report of the Fifth Committee

Rapporteur: Mr. Santiago **Wins** (Uruguay)

I. Introduction

1. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-sixth session the item entitled "Financing of the United Nations peacekeeping forces in the Middle East: United Nations Interim Force in Lebanon" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 29th, 30th, 34th and 36th meetings, on 26 and 28 November and on 10 and 13 December 2001. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/56/SR. 29, 30, 34 and 36).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the budget for the United Nations Interim Force in Lebanon for the period from 1 July 2001 to 30 June 2002 (A/56/431 and Corr.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/56/510 and Corr.1).

II. Consideration of draft resolution A/C.5/56/L.17

4. At the 34th meeting, on 10 December 2001, the representative of the Islamic Republic of Iran, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Financing of the United Nations Interim Force in Lebanon" (A/C.5/56/L.17).

5. At the 36th meeting, on 13 December, the representative of the United States of America made a statement and requested that a recorded vote, in a single vote, be

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taken on the fourth preambular paragraph and on operative paragraphs 3, 4 and 13 of draft resolution A/C.5/56/L.17.

6. At the same meeting, a statement in explanation of vote, before the vote, was made by the representative of Lebanon.

7. At the same meeting, the Committee adopted the fourth preambular paragraph and operative paragraphs 3, 4 and 13 of draft resolution A/C.5/56/L.17 by a recorded vote of 69 to 2, with 40 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Chile, China, Colombia, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritius, Mexico, Morocco, Myanmar, Nepal, Nigeria, Oman, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia, Zambia.

Against:

Israel, United States of America.

Abstaining:

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Malta, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Korea, San Marino, Slovakia, Sweden, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

8. Also at the 36th meeting, the representative of the United States of America made a statement, and requested that a recorded vote be taken on draft resolution A/C.5/56/L.17 as a whole.

9. At the same meeting, the Committee adopted draft resolution A/C.5/56/L.17 as a whole by a recorded vote of 110 to 2 (see para. 11). The voting was as follows:

In favour:

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Iceland, India, Indonesia, Ireland, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Malaysia, Maldives, Malta, Mauritius, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar,

Republic of Korea, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against:

Israel, United States of America.

Abstaining:

None.

10. After the adoption of the draft resolution, statements were made by the representatives of Israel, Belgium (on behalf of the States Members of the United Nations that are members of the European Union and also on behalf of Bulgaria, the Czech Republic, Latvia, Lithuania, Poland, Cyprus, Malta and Turkey), Japan, Lebanon, Australia (on behalf of Australia, Canada and New Zealand), the Libyan Arab Jamahiriya and the Syrian Arab Republic (see A/C.5/56/SR.36).

III. Recommendation of the Fifth Committee

11. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Interim Force in Lebanon

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon for the period from 1 July 2001 to 30 June 2002[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Bearing in mind Security Council resolution 425 (1978) of 19 March 1978, by which the Council established the United Nations Interim Force in Lebanon, and the subsequent resolutions by which the Council extended the mandate of the Force, the most recent of which was resolution 1365 (2001) of 31 July 2001,

Recalling its resolution S-8/2 of 21 April 1978 on the financing of the Force and its subsequent resolutions thereon, the most recent of which was resolution 55/180 B of 14 June 2001,

Reaffirming its resolutions 51/233 of 13 June 1997, 52/237 of 26 June 1998, 53/227 of 8 June 1999, 54/267 of 15 June 2000, 55/180 A of 19 December 2000 and 55/180 B,

Reaffirming also the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874 (S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

[1] A/56/431 and Corr.1.

[2] A/56/510 and Corr.1.

Noting with appreciation that voluntary contributions have been made to the Force,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Force on a current basis, including reimbursement to current and former troop-contributing States,

Concerned also that the surplus balances in the Special Account for the United Nations Interim Force in Lebanon have been used to meet expenses of the Force in order to compensate for the lack of income resulting from non-payment and late payment by Member States of their contributions,

1. *Takes note* of the status of contributions to the United Nations Interim Force in Lebanon as at 15 November 2001, including the contributions outstanding in the amount of 179.4 million United States dollars, representing 4 per cent of the total assessed contributions from the inception of the Force up to the period ending 31 December 2001, notes that some 15.5 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses its appreciation* to those Member States that have paid their assessed contributions in full and on time, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

3. *Expresses its deep concern* that Israel did not comply with its resolutions 51/233, 52/237, 53/227, 54/267, 55/180 A and 55/180 B;

4. *Stresses once again* that Israel should strictly abide by General Assembly resolutions 51/233, 52/237, 53/227, 54/267, 55/180 A and 55/180 B;

5. *Expresses concern* about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

6. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

7. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

8. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

9. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Force;

10. *Takes note* of paragraph 11 of, and endorses the remaining conclusions and recommendations contained in, the report of the Advisory Committee on Administrative and Budgetary Questions,[2] and requests the Secretary-General to ensure full implementation;

11. *Requests* the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

12. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Force against General Service posts, commensurate with the requirements of the Force;

13. *Reiterates its request* to the Secretary-General to take the necessary measures to ensure the full implementation of paragraph 8 of its resolution 51/233, paragraph 5 of its resolution 52/237, paragraph 11 of its resolution 53/227, paragraph 14 of its resolution 54/267, paragraph 14 of its resolution 55/180 A and paragraph 15 of its resolution 55/180 B, stresses once again that Israel shall pay the amount of 1,284,633 dollars resulting from the incident at Qana on 18 April 1996, and requests the Secretary-General to report on this matter to the Assembly at its resumed fifty-sixth session;

14. *Decides* to appropriate the amount of _____ dollars gross (_____ dollars net) for the maintenance of the Force for the twelve-month period from 1 July 2001 to 30 June 2002, inclusive of the amount of _____ dollars gross (_____ dollars net) for the support account for peacekeeping operations, in addition to the amount of 6,021,721 dollars gross (5,284,652 dollars net) already appropriated for the support account for peacekeeping operations and the amount of 629,045 dollars gross (564,879 dollars net) already appropriated for the United Nations Logistics Base in its resolution 55/180 B, and inclusive of the amount of 99,548,960 dollars gross (97,558,500 dollars net) authorized in its resolution 55/180 B;

15. *Decides also*, taking into account the amount of 99,548,960 dollars gross (97,558,500 dollars net) already apportioned for the period from 1 July to 31 December 2001 and the amount of 6,650,766 dollars gross (5,849,531 dollars net) already apportioned for the period from 1 July 2001 to 30 June 2002 in accordance with the provisions of its resolution 55/180 B, to apportion among Member States the amount of _____ dollars gross (_____ dollars net) for the period from 1 to 31 January 2002 in accordance with the levels set out in its resolution 55/235, as adjusted in its resolution 55/236, and taking into account the scale of assessments for the year 2002, as set out in its resolution 55/5 B of 23 December 2000;

16. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 15 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of _____ dollars approved for the Force for the period from 1 to 31 January 2002;

17. *Decides* to apportion among Member States the amount of _____ dollars gross (_____ dollars net) for the period from 1 February to 30 June 2002, at a monthly rate of _____ dollars gross (_____ dollars net) in accordance with the scheme set out in the present resolution and taking into

account the scale of assessments for the year 2002, as set out in its resolution 55/5 B, subject to the decision of the Security Council to extend the mandate of the Force beyond 31 January 2002;

18. *Decides also* that, in accordance with the provisions of its resolution 973 (X), there shall be set off against the apportionment among Member States, as provided for in paragraph 17 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of _____ dollars net approved for the Force for the period from 1 February to 30 June 2002;

19. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

20. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Force;

21. *Invites* voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

22. *Decides* to keep under review during its fifty-sixth session, under the item entitled "Financing of the United Nations peacekeeping forces in the Middle East", the sub-item entitled "United Nations Interim Force in Lebanon".

United Nations A/56/722*

General Assembly

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Fifty-sixth session
Agenda item 134 (b)

Financing of the United Nations peacekeeping forces in the Middle East: United Nations Interim Force in Lebanon

Report of the Fifth Committee

Rapporteur: Mr. Santiago **Wins** (Uruguay)

I. Introduction

1. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-sixth session the item entitled "Financing of the United Nations peacekeeping forces in the Middle East: United Nations Interim Force in Lebanon" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 29th, 30th, 34th and 36th meetings, on 26 and 28 November and on 10 and 13 December 2001. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/56/SR. 29, 30, 34 and 36).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the budget for the United Nations Interim Force in Lebanon for the period from 1 July 2001 to 30 June 2002 (A/56/431 and Corr.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/56/510 and Corr.1).

II. Consideration of draft resolution A/C.5/56/L.17

4. At the 34th meeting, on 10 December 2001, the representative of the Islamic Republic of Iran, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Financing of the United Nations Interim Force in Lebanon" (A/C.5/56/L.17).

* Reissued for technical reasons.

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5. At the 36th meeting, on 13 December, the representative of the United States of America made a statement and requested that a recorded vote, in a single vote, be taken on the fourth preambular paragraph and on operative paragraphs 3, 4 and 13 of draft resolution A/C.5/56/L.17.

6. At the same meeting, a statement in explanation of vote, before the vote, was made by the representative of Lebanon.

7. At the same meeting, the Committee adopted the fourth preambular paragraph and operative paragraphs 3, 4 and 13 of draft resolution A/C.5/56/L.17 by a recorded vote of 69 to 2, with 40 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Chile, China, Colombia, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritius, Mexico, Morocco, Myanmar, Nepal, Nigeria, Oman, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia, Zambia.

Against:

Israel, United States of America.

Abstaining:

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Malta, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Korea, San Marino, Slovakia, Sweden, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

8. Also at the 36th meeting, the representative of the United States of America made a statement, and requested that a recorded vote be taken on draft resolution A/C.5/56/L.17 as a whole.

9. At the same meeting, the Committee adopted draft resolution A/C.5/56/L.17 as a whole by a recorded vote of 110 to 2 (see para. 11). The voting was as follows:

In favour:

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Iceland, India, Indonesia, Ireland, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Malaysia, Maldives, Malta, Mauritius, Mexico,

Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against:

Israel, United States of America.

Abstaining:

None.

10. After the adoption of the draft resolution, statements were made by the representatives of Israel, Belgium (on behalf of the States Members of the United Nations that are members of the European Union and also on behalf of Bulgaria, the Czech Republic, Latvia, Lithuania, Poland, Cyprus, Malta and Turkey), Japan, Lebanon, Australia (on behalf of Australia, Canada and New Zealand), the Libyan Arab Jamahiriya and the Syrian Arab Republic (see A/C.5/56/SR.36).

III. Recommendation of the Fifth Committee

11. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Interim Force in Lebanon

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon for the period from 1 July 2001 to 30 June 2002[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Bearing in mind Security Council resolution 425 (1978) of 19 March 1978, by which the Council established the United Nations Interim Force in Lebanon, and the subsequent resolutions by which the Council extended the mandate of the Force, the most recent of which was resolution 1365 (2001) of 31 July 2001,

Recalling its resolution S-8/2 of 21 April 1978 on the financing of the Force and its subsequent resolutions thereon, the most recent of which was resolution 55/180 B of 14 June 2001,

Reaffirming its resolutions 51/233 of 13 June 1997, 52/237 of 26 June 1998, 53/227 of 8 June 1999, 54/267 of 15 June 2000, 55/180 A of 19 December 2000 and 55/180 B,

Reaffirming also the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874

[1] A/56/431 and Corr.1.

[2] A/56/510 and Corr.1.

(S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the Force,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Force on a current basis, including reimbursement to current and former troop-contributing States,

Concerned also that the surplus balances in the Special Account for the United Nations Interim Force in Lebanon have been used to meet expenses of the Force in order to compensate for the lack of income resulting from non-payment and late payment by Member States of their contributions,

1. *Takes note* of the status of contributions to the United Nations Interim Force in Lebanon as at 15 November 2001, including the contributions outstanding in the amount of 179.4 million United States dollars, representing 4 per cent of the total assessed contributions from the inception of the Force up to the period ending 31 December 2001, notes that some 15.5 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses its appreciation* to those Member States that have paid their assessed contributions in full and on time, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

3. *Expresses its deep concern* that Israel did not comply with its resolutions 51/233, 52/237, 53/227, 54/267, 55/180 A and 55/180 B;

4. *Stresses once again* that Israel should strictly abide by General Assembly resolutions 51/233, 52/237, 53/227, 54/267, 55/180 A and 55/180 B;

5. *Expresses concern* about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

6. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

7. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

8. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

9. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Force;

10. *Takes note* of paragraph 11 of, and endorses the remaining conclusions and recommendations contained in, the report of the Advisory Committee on Administrative and Budgetary Questions,[2] and requests the Secretary-General to ensure full implementation;

11. *Requests* the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

12. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Force against General Service posts, commensurate with the requirements of the Force;

13. *Reiterates its request* to the Secretary-General to take the necessary measures to ensure the full implementation of paragraph 8 of its resolution 51/233, paragraph 5 of its resolution 52/237, paragraph 11 of its resolution 53/227, paragraph 14 of its resolution 54/267, paragraph 14 of its resolution 55/180 A and paragraph 15 of its resolution 55/180 B, stresses once again that Israel shall pay the amount of 1,284,633 dollars resulting from the incident at Qana on 18 April 1996, and requests the Secretary-General to report on this matter to the Assembly at its resumed fifty-sixth session;

14. *Decides* to appropriate the amount of 137,257,440 dollars gross (133,375,991 dollars net) for the maintenance of the Force for the twelve-month period from 1 July 2001 to 30 June 2002, inclusive of the amount of 642,540 dollars gross (594,091 dollars net) for the support account for peacekeeping operations, in addition to the amount of 6,021,721 dollars gross (5,284,652 dollars net) already appropriated for the support account for peacekeeping operations and the amount of 629,045 dollars gross (564,879 dollars net) already appropriated for the United Nations Logistics Base in its resolution 55/180 B, and inclusive of the amount of 99,548,960 dollars gross (97,558,500 dollars net) authorized in its resolution 55/180 B;

15. *Decides also*, taking into account the amount of 99,548,960 dollars gross (97,558,500 dollars net) already apportioned for the period from 1 July to 31 December 2001 and the amount of 6,650,766 dollars gross (5,849,531 dollars net) already apportioned for the period from 1 July 2001 to 30 June 2002 in accordance with the provisions of its resolution 55/180 B, to apportion among Member States the amount of 6,820,197 dollars gross (6,464,658 dollars net) for the period from 1 to 31 January 2002 in accordance with the levels set out in its resolution 55/235, as adjusted in its resolution 55/236, and taking into account the scale of assessments for the year 2002, as set out in its resolution 55/5 B of 23 December 2000;

16. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 15 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 355,539 dollars approved for the Force for the period from 1 to 31 January 2002;

17. *Decides* to apportion among Member States the amount of 30,888,283 dollars gross (29,352,833 dollars net) for the period from 1 February to 30 June 2002, at a monthly rate of 6,177,656 dollars gross (5,870,566 dollars net) in accordance with the scheme set out in the present resolution and taking into account the scale of assessments for the year 2002, as set out in its resolution 55/5 B, subject to the decision of the Security Council to extend the mandate of the Force beyond 31 January 2002;

18. *Decides also* that, in accordance with the provisions of its resolution 973 (X), there shall be set off against the apportionment among Member States, as provided for in paragraph 17 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 1,535,450 dollars net approved for the Force for the period from 1 February to 30 June 2002;

19. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

20. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Force;

21. *Invites* voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

22. *Decides* to keep under review during its fifty-sixth session, under the item entitled "Financing of the United Nations peacekeeping forces in the Middle East", the sub-item entitled "United Nations Interim Force in Lebanon".

United Nations A/56/723-S/2001/1222

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Security Council

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Fifty-sixth session
Agenda item 62
Question of Cyprus

Security Council
Fifty-sixth year

Letter dated 19 December 2001 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with reference to a letter from the Permanent Representative of Turkey (A/56/451-S/2001/953) dated 9 October 2001, I have the honour to enclose herewith the text of a further opinion, dated 17 November 2001, prepared by three prominent international jurists and professors of international law, James Crawford, Whewell Professor of International Law, University of Cambridge, Gerhard Hafner, Professor of International Law, University of Vienna, and Alain Pellet, Professor of International Law, University of Paris-X, on the eligibility of the Republic of Cyprus to become a member of the European Union (see annex).

Their first opinion, dated 24 September 1997, was circulated as a document of the General Assembly and of the Security Council (A/52/481-S/1997/805), dated 17 October 1997.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Sotirios **Zackheos**
Ambassador, Permanent Representative

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Annex to the letter dated 19 December 2001 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

The Eligibility of the Republic of Cyprus for EU Membership

Summary

1. In an Opinion of 24 September 1997 which was circulated as a Security Council and General Assembly document,[1] the three undersigned advised that Cyprus was eligible, as a matter of international law, to become a member of the European Union, and that its becoming a member would not violate any existing treaty obligation of Cyprus.

2. In particular we advised that:

- Article 1 paragraph 2 of the Treaty of Guarantee does not prohibit Cyprus from becoming a member of a regional economic organisation such as the European Union. Membership of the EU would not constitute participation "in any political or economic union with any State whatsoever" within the meaning of Article 1 paragraph 2.
- Article 50 of the Constitution of 1960 (which requires participation by the Vice-President in treaty-making) could not subsequently be invoked by Cyprus as a basis for invalidating its consent to be bound by the EU treaties.
- Likewise, Article 170 of the Constitution (which requires most-favoured-nation treatment for Turkey in respect of certain treaties of Cyprus) does not constitute a barrier to Cyprus' entry, for a number of reasons. Perhaps the most important of these is that EC membership is not regarded as triggering general most-favoured-nation obligations, under the GATT/WTO or otherwise. Turkey as a GATT/WTO member and applicant for EU membership is well aware of this practice. Thus Article 170 would not require Cyprus to extend any additional benefits of EU membership to Turkey.

This advice conforms with what is now the generally accepted position. The European Union itself has acted on the same basis, and accession negotiations have been in progress for some time.

3. By a letter of 5 October 2001, the Permanent Representative of Turkey to the United Nations forwarded a Further Opinion by Professor Maurice Mendelson QC, dated 12 September 2001.[2] The reasons given by Professor Mendelson for adhering to his earlier view that Cyprus's admission to the EU would be "illegal" do not, however, involve any new arguments supporting that conclusion. We set out below the reasons for maintaining — as the EU itself maintains — that there is no legal impediment to the admission of Cyprus.

The Treaty of Guarantee

4. By Article I (2) of the Treaty of Guarantee, Cyprus undertook "not to participate, in whole or in part, in any political or economic union with any State whatever or partition of the Island". By Article II (2), Greece, Turkey and the United Kingdom agreed "to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union

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1 J Crawford, A Pellet & G Hafner, "Republic of Cyprus: Eligibility for EU Membership" (A/52/481, S/1997/805, 17 October 1997).

2 Circulated as A/56/451-S/2001/953. An earlier opinion of 6 June 1997, and a supplementary note of 21 July 1997, are annexed.

of Cyprus with any other State or partition of the Island". The question is whether the accession of Cyprus to the EU would involve "union of Cyprus with any other State".

5. In our earlier opinion, we concluded that Articles I (2) and II (2) are irrelevant to Cyprus' EU eligibility, for the following reasons:

(a) On their literal interpretation, these Articles are not concerned with membership in regional economic associations but union with another State ("with any State whatever"). The term "State" was deliberately used in the singular.

(b) The purpose of these Articles was to prevent the union of Cyprus, or of any part of Cyprus, with Greece or Turkey, as well as the partition of the Island. It was not to prevent Cyprus entering international organizations, including regional economic unions such as the European Coal and Steel Community (ECSC), the European Free Trade Area (EFTA) or, now, the EU.

(c) This is confirmed by the *travaux* of the Treaty of Guarantee. As the Turkish delegate at the London Joint Committee assured the other negotiators, by Article I (2)...

> "it was certainly not intended that Cyprus should be precluded from membership of the [European] Free Trade Area or multilateral organizations. What was meant was that Cyprus should not be politically united with Greece or Turkey, or even economically in the narrow sense of customs union; but that could not really be said in a Treaty."[3]

The use of the singular term "any other State" was clearly deliberate. A contrast was intended to be drawn between multilateral arrangements, including economic organizations and free trade areas, on the one hand, and political and/or economic unions with a single State (in fact, Greece or Turkey), on the other hand.

(d) This interpretation is further confirmed by the terms of the Constitution of 1960, which is expressly referred to in the Treaty of Guarantee. Article 185 (2) of the Constitution also uses the singular "any other State" in the prohibition on "integral or partial union". Articles 50 and 169 refer to and permit Cyprus to become a party to international organizations and economic cooperation agreements. There is a clear contrast between multilateral international organizations and economic cooperation with a number of States, on the one hand, and the union of Cyprus with any particular State, on the other hand.

(e) In any event, arguments based on Articles I and II of the Treaty of Guarantee misconceive the character of the European Union. The EU is not a State. Membership of the EU does not entail member States uniting with each other on any individual basis. Under the EU, France is not united with Germany, nor Britain with Sweden. Cyprus as a member of the EU would not be united with any other particular State. Yet it is only Cyprus' union with any other particular State which Articles I and II of the Treaty of Guarantee prohibit. In this context it should be stressed that according to Article 2 TEU, the principle of subsidiarity limits the competences of the EU so that one cannot speak of a "common law-making process" with an all-

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3 London Committee on Cyprus, Corrected Minutes of the 26th Meeting of the Committee of Deputies, LC (MD), 19 October 1959, p 6.

encompassing scope.[4] Furthermore the EU has to respect the national identities of its Member States according to Article 6 (3) TEU.

(f) Our interpretation of Articles I and II is supported by the subsequent practice of the parties to the Treaty of Guarantee. Thus neither the United Kingdom nor Turkey objected on that ground when Cyprus entered into a customs union with the EEC in 1972.[5] Turkey's concerns at possible discrimination against Turkish Cypriots were addressed by Article 5 of the Association Agreement of 19 December 1972.[6] The situation of Cyprus under the Association Agreement and its Protocols was subsequently addressed by the European Court of Justice in 1994, in terms which cast no doubt upon the legality of the situation so far as the EU is concerned.[7]

(g) This interpretation is also supported at the international level. The European Commission has accepted that Cyprus is eligible for membership,[8] and the Member States have so agreed, most recently in the agreement for EU enlargement reached in conjunction with the Treaty of Nice.[9] The Security Council has affirmed that a Cyprus settlement "must exclude union in whole or in part with any other country or any form of partition or secession" and has welcomed "the decision of the European Union concerning the opening of accession negotiations with Cyprus" as "an important development that should facilitate an overall settlement".[10] Obviously the Security Council does not regard the accession negotiations as a breach of an essential condition of a Cyprus settlement.

(h) In addition we noted that Austria joined the EU in 1995, despite the prohibition in Article 4 of the Austrian State Treaty of 1955 against its entering into "political or economic union with Germany in any form whatever". Neither the European Commission nor any existing Member State argued that Article 4 of the Austrian State Treaty prohibited Austrian membership of the EU. Nor did the Soviet Union (or the

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4 Mendelson, Further Opinion, para. 24.

5 *OJEC* No L 133/1 (1973). There have been 6 amendments to the Agreement, most recently in 1987 (*OJEC* No L 393/13 (1987)) and 1995 (*OJEC* No L 278 (1995)). The 1987 Protocol initiated the second stage of association, with a view to a complete customs union within 15 years (Art. 31).

6 The Turkish objections in 1972 are summarized in *Europe* No 986, 16 February 1972. As Professor Mendelson recognises, Turkey did not rely on Article I of the Treaty of Guarantee. He argues that Turkey's failure to object should be overlooked because the 1972 Agreement was "a relatively modest affair": Further Opinion, para. 28. But this cannot be said as to the 1987 Protocol; and anyway, even in 1972, there was a customs union which, on his view, was prohibited by the Treaty of Guarantee.

7 *R v Minister of Agriculture, Fisheries and Food, ex parte SP Anastasiou (Pissouri) Ltd* [1994] ECR I-3087, 3131, 3133-4; 100 ILR 258, 297-9.

8 Commission of the European Communities, *The challenge of enlargement. Commission opinion on the application by the Republic of Cyprus for membership* (*OJEC* Supp 5/93) 7-8.

9 See Protocol on the Enlargement of the European Union; Declaration on the enlargement of the European Union, annexed to the Treaty of Nice, 26 February 2001, *OJEC*, No C 80/1 (2001). See also Helsinki European Council, Presidency Conclusions, Helsinki, 10-11 December 1999, para. 9 (b); Commission of the European Communities, 2001 Regular Report on Cyprus Progress towards Accession, Doc SEC (2001) 1745.

10 See Security Council Res. 1117 (1997), 27 June 1997. For later resolutions on Cyprus, see e.g. SC Resns. 1354 (2001), 15 June 2001, 1331 (2000), 13 December 2000, 1251 (1999), 29 June 1999.

Russian Federation, after the break-up of the USSR); its concern was with the neutrality of Austria.

6. Thus the literal terms of Articles I and II of the Treaty of Guarantee, interpreted in the light of their object and purpose, support our conclusion. So too does the negotiating history of the Treaty, the subsequent practice of the parties, and the unanimous opinion of the EU Members as well as the European Commission. Among States which are not members of the EU, only Turkey seems to take the opposite position. Certainly the Security Council does not, despite its continuing preoccupation with the situation in Cyprus and with the preconditions for a settlement of the Cyprus question which "must exclude union in whole or in part with any other country or any form of partition or secession".[11]

7. In opposition to this virtually unanimous view of Cyprus' eligibility for membership, notwithstanding the Treaty of Guarantee, Professor Mendelson makes a number of arguments in his most recent opinion. These include the following:

(a) Applying the principle of literal interpretation, he argues that because the EU is "an economic union, as well as (increasingly) a form of political union", therefore membership of the EU is prohibited.[12] But literal interpretation requires one to interpret all the words, not just some of them, and to interpret all the words together in their context. The question is not whether the EU is an economic union, but whether a State which joins the EU is entering into an economic union "with another State" within the meaning of the Treaty of Guarantee.

(b) He argues that "in legal drafting in English" (and in French) the singular includes the plural, so that Article I should be read as prohibiting economic union "with any State or States".[13] But not even under the Acts Interpretation Act 1889 (UK) is there a *rule* that the singular includes the plural; it depends on the context. And of course we are dealing with a treaty, albeit one drafted in the English language. There was a reason for the emphasis on the singular: the concern was political or economic union of Cyprus with a single State (i.e., Greece) or of part of Cyprus with another State (Turkey). It was not a concern with such things as the European Free Trade Agreement.

(c) He argues that the veto provisions in Article 50 of the Constitution show that "international organizations *are* covered by the [Treaty of Guarantee] and, if both the two named States are not members of the organization, by the veto".[14] This confuses the veto powers exercisable by an elected Turkish Cypriot Vice-President and the rights of the three guarantor States under Article I of the Treaty of Guarantee. If a treaty involves political or economic union with another State, Cyprus may not enter into that treaty, even with the consent of the Vice-President. Moreover whether Turkey and/or Greece are parties to such a treaty is irrelevant in terms of the application of Articles I and II of the Treaty of Guarantee. Cyprus may not enter into such a treaty, whatever the position of the other States may be.

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11 Security Council Res. 1251, 29 June 1999, para. 11.

12 Mendelson, Further Opinion, para. 10.

13 Mendelson, Further Opinion, para. 13.

14 Mendelson, Further Opinion, para. 17 (emphasis in original).

(d) He then argues that the EU is an economic and political union of States, even if it is not itself a State, and that in entering into the EU Cyprus is entering into a union with each of those other States in just the same way it would do if it entered into a federation.[15] That argument assumes, of course, that we are wrong in emphasising that Article I is limited to union with another particular State rather than a large group. But even on that assumption, it is not the case that Greece or the United Kingdom would exercise authority in Cyprus as part of the EU. The decisions and literature on the Maastricht Treaty, cited in our earlier opinion, demonstrate that this is not the case.[16] All sorts of international organizations involve coordination of activity, the "joint" pursuit of "common" policies in the political and economic field.[17] The EU is no doubt a very advanced example, but it is not, directly or indirectly, a vehicle for the exercise by one member State or its officials of public authority over another. The organs of the EU are not organs of any Member State or States. The context of the Treaty of Guarantee and related instruments show that, although there were to be controls on Cyprus becoming a member of international organizations including free trade areas, Article I was intended to address the separate and much narrower issue of a union with another State.

(e) Then he argues that, even if EU entry would not involve political or economic union with other States, it would "indirectly promote union with another State or States".[18] Of course the phrase "or States" does not appear in Articles I and II of the Treaty of Guarantee. But in any event we fail to see what *indirect* aim EU membership might have for Cyprus, i.e. how it would tend to produce union with any other State or States, or what *indirect* tendency it might foster which the Treaty of Guarantee seeks to prohibit. No doubt in 1959-60, Turkey sought to vest in an organ elected by the Turkish Cypriot community veto powers over joining organizations of which Turkey is not a member. But — we repeat — this separate Turkish aim was achieved by Article 50 of the Constitution, and not by the Treaty of Guarantee's prohibition on political union. We discuss this further in paragraphs 8-10 below.

8. There is also provided a note by Professor Mendelson dated 21 July 1997 in which he dismisses the Austrian case as only superficially similar. His main argument is that the other parties to the Austrian State Treaty of 1955 waived the provisions of Article 4 at the time. In other words, his view is that Austrian membership of the EU would have been a breach of the Article 4 of the Austrian State Treaty but for the consent of all the other parties to it.[19] He does not cite any statement to that effect by any of the other States parties, nor any of the extensive literature on the subject in English or German.[20] There is simply no evidence that the Soviet Union (or later the Russian Federation) considered that it was waiving rights under Article 4 of the State Treaty, or that its individual consent to Austrian accession was required.

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15 Mendelson, Further Opinion, para. 24.

16 J Crawford, A Pellet & G Hafner, "Republic of Cyprus: Eligibility for EU Membership", paras. 13-15.

17 Cf. Mendelson, Further Opinion, para. 24.

18 Mendelson, Further Opinion, para. 25.

19 M. Mendelson, "Note on Austria's Accession to the European Union", para. 1 and concluding para.

20 We referred to this material in 24-27 of our Opinion of 24 September 1997.

There is no suggestion that the consent of the other States parties to the Treaty of 1955 was sought or required to what would otherwise have been a breach of Article 4. Russian objections as articulated at the time concerned not Article 4 but the issue of neutrality. Similarly, Russian literature at the time of the accession stressed Austria's neutrality as a potential problem, but not Article 4.[21] The European Commission did not believe that Article 4 presented any difficulty, either.[22] In short, Professor Mendelson cites no evidence in support of his "waiver" theory, and we are aware of none.[23]

Article 50 of the 1960 Constitution

9. A second issue concerns Article 50 of the Constitution of 1960, which provides for the President and Vice-President to have, separately and conjointly, a right of veto in decisions concerning, *inter alia*, "foreign affairs, except the participation of the Republic in international organisations and pacts of alliance in which the Kingdom of Greece and the Republic of Turkey both participate". Unlike Articles I and II of the Treaty of Guarantee, which are expressed as absolute prohibitions, Article 50 distinguishes between international organizations and pacts of alliance in which Greece and Turkey are, and those in which they are not, parties. It thus addresses what we understand to be Turkey's essential concern, which is that it does not wish Cyprus to become a party to the EU before it does. In other words, its real concern is one of timing, not the application of an absolute prohibition.

10. The difficulty, however, with Article 50 is that it is presently inoperative since no person holds or exercises the office of Vice-President, for reasons that are well known.[24] The question is whether this fact prevents Cyprus from applying to or becoming a member of the EU, and the answer is clearly no. As Article 50 of the Constitution recognises, Cyprus has the normal capacity of a State to enter into "international treaties, conventions and agreements" and to become a member of all kinds of international organizations and alliances. It provides for a procedural veto on such decisions, the veto to be cast within a prescribed period by a Vice-President elected under the Constitution. In the absence of a veto

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21 See, e.g., K.V. Voronov, "Chertvertoe rasshirenie ES: tormoz ili stimul integracii?" (The fourth widening of the EC: brake or stimulation of the integration?) in: *MeiMO* no. 8-96, Moscow 1996, 88).

22 See EC, Sec/91/1590 Final, 1 August 1991, summarised in *Bull EC* 7/8-1991, 81, as cited in our Opinion of 24 September 1997, para. 25.

23 Professor Mendelson's other arguments can be dealt with more briefly. He seeks to distinguish Article 4 of the Austrian State Treaty from the Treaty of Guarantee because the former specifically mentions Germany whereas the latter refers in general terms to "any other State". But the failure to mention Greece and Turkey specifically does not affect the matter. As everyone knows and as the *travaux préparatoires* show (see paragraph 4 (c) above), the problem in 1959-60 was union with one of those States, especially Greece. Then he argues that there has at least arguably been a fundamental change of circumstances between 1955 and 1991. But no party to the Austrian State Treaty has purported to rely on fundamental change of circumstances as a ground for the termination of the treaty, and as Article 62 of the Vienna Convention on the Law of Treaties makes clear, treaties do not automatically lapse on grounds of fundamental change; the change has to be invoked by a party. Finally he argues that "two wrongs do not make a right"; of course we agree, but that has nothing to do with the issue whether Austrian accession was a breach of Article 4, and the fact is that none of the concerned parties at the time so considered it.

24 They are briefly set out in our Opinion of 24 September 1997, para. 29.

duly cast in accordance with Article 50, the decision to accede is valid and effective. Nor could Cyprus, if it did accede to the EU, subsequently rely on Article 46 of the Vienna Convention on the Law of Treaties as a ground for disputing the validity of its accession.[25] The simple reason is that, in the absence of a veto cast by a person holding the office of Vice President in accordance with the Constitution, there is no breach, and certainly no manifest breach within the meaning of Article 46.

11. On this point, Professor Mendelson emphasises the international aspect of the Cyprus Constitution, the element of international guarantee involved, and the overlap between the Constitution, especially Article 50, and the Treaty of Guarantee.[26] With some of this we agree, but it is hardly relevant to the present point. There is a clear distinction between the existence of an international guarantee and the scope or application of particular provisions of a constitution which is subject to the guarantee. We have already pointed out the distinction between Article 50 of the Constitution (which is an important procedural provision concerned with treaty-making, even if it is for the time being inoperative) and Article I of the Treaty of Guarantee which is a prohibition on the making of a certain limited class of treaties at all, by any authority in Cyprus whatever. Professor Mendelson elides the distinction entirely.[27]

Article 170 of the 1960 Constitution

12. A third issue concerns Article 170 (1) of the 1960 Constitution, which entitles Greece, Turkey and the United Kingdom to seek most favoured nation (mfn) treatment from Cyprus, "by agreement on appropriate terms" in respect of "all agreements whatever their nature may be." It has been argued that Cyprus as an EU Member will not be in a position to comply with Article 170 so far as Turkey is concerned. The short answer to this is that there is a general understanding that entry to the EU does not trigger general mfn obligations of the entrant so far as third States are concerned. This is consistent with Article XXIV (5) of the GATT.[28] It is a position which Turkey itself has accepted, both as a GATT Member, as an applicant for EU membership, and in bilateral arrangements with Cyprus.[29]

13. In any event, Article 170 only operates by agreement, which agreement has to be "on appropriate terms". Even if it were applicable in principle to EU membership (which it is

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25 Under Art. 46 only the State whose fundamental rules as to treaty-making have been manifestly breached can invoke the breach.

26 Mendelson, Further Opinion, paras. 37-38.

27 Professor Mendelson also raises the question whether the breakdown of Article 50 may be "wholly or mainly the fault of the Greek Cypriot majority": Mendelson, Further Opinion, para. 37. For our part, we have sought to avoid controversy on historical issues of the 1960s. Most observers would say that there was fault on all sides, including both communities within Cyprus. In any event, whatever the responsibility of the various actors (including the three Guarantors) for the constitutional and international crisis of that period, the issue is the conduct of the foreign policy of Cyprus at the present time, and the international law on this point is as we have stated it.

28 See also the Understanding on the Interpretation of Article XXIV of the GATT 1994, in WTO, *The Results of the Uruguay Round of Multilateral Trade Negotiations. The Legal Texts* (Geneva, 1994) 31.

29 Cyprus-Turkey, Trade Agreement, 9 November 1963, Art. 1. See also the identically phrased Trade Agreement between Greece and Cyprus, 24 August 1962.

not), all Article 170 would do would be to call on the parties to reach agreement in particular "on appropriate terms" for granting mfn treatment.

14. Professor Mendelson regards this issue as "subsidiary",[30] and we agree. He does not argue that "the entry of Cyprus into the EU without Turkey would violate some existing right of Turkey to MFN treatment";[31] again we agree. He does however argue that Greece and Greek citizens will be advantaged in Cyprus compared to Turkey and Turkish citizens, and to some extent this is true. Our point was that, purely as a question of law and of the application of Article 170, entry into a regional economic union does not trigger mfn obligations, and that Turkey itself accepts this.[32] The economic disadvantages for Turkey of its non-membership of the EU remain matters to be addressed at the level of policy by the EU, as well as by Turkey.[33] No doubt they will be, since the long-term interests of the region can only be addressed by a policy of inclusion.

Conclusions

15. For the reasons we have given, we remain firmly of the opinion that there is no legal basis for the argument that Cyprus is prevented by the Treaty of Guarantee, or by any provisions of the Constitution of 1960, from becoming a member of the EU or from complying with its treaty obligations towards Turkey once it becomes a member.

James Crawford
Whewell Professor of International Law, University of Cambridge

Gerhard Hafner
Professor of International Law, University of Vienna

Alain Pellet
Professor of International Law, University of Paris-X

17 November 2001

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30 Mendelson, Further Opinion, para. 39.

31 Ibid.

32 So, apparently, does Professor Mendelson; at least he does not argue the contrary.

33 Professor Mendelson also points to the difficulties of applying EU law uniformly within Cyprus: Further Opinion, para. 42. We understand this issue is being addressed in the accession negotiations. Again, however, it is not a legal barrier to eligibility.

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General Assembly

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Fifty-sixth session
Agenda item 3

Credentials of representatives to the fifty-sixth session of the General Assembly

Report of the Credentials Committee

Chairman: Mr. Felipe **Paolillo** (Uruguay)

1. At its 1st plenary meeting, on 12 September 2001, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its fifty-sixth session consisting of the following Member States: China, Denmark, Jamaica, Lesotho, the Russian Federation, Senegal, Singapore, the United States of America and Uruguay.

2. The Credentials Committee met on 18 December 2001.

3. Mr. Felipe Paolillo was unanimously elected Chairman.

4. The Committee had before it a memorandum by the Secretary-General dated 14 December 2001 concerning the credentials of representatives of Member States to the fifty-sixth session of the General Assembly. The Assistant Secretary-General for Legal Affairs made a statement relating to the memorandum by the Secretary-General. In that statement, he indicated that, with regard to Afghanistan, the Secretary-General had received an informal communication from the Interim Authority concerning the appointment of the representatives of Afghanistan to the fifty-sixth session of the General Assembly. He also stated that, in accordance with the Agreement on provisional arrangements on Afghanistan, pending the re-establishment of permanent government institutions, which was endorsed by the Security Council on 6 December 2001 in its resolution 1383 (2001), the Interim Authority is due to take office on 22 December 2001. As such, formal credentials would be submitted on or after that date.

5. As indicated in paragraph 1 of the memorandum by the Secretary-General, and updated in the statement by the Assistant Secretary-General for Legal Affairs, formal credentials in the form required by rule 27 of the rules of procedure of the General Assembly has been received from the following 119 States: Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Botswana,

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Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Congo, Croatia, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Grenada, Guyana, Haiti, Hungary, Iceland, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela, Yugoslavia, Zambia and Zimbabwe.

6. As indicated in paragraph 2 of the memorandum, information concerning the appointment of their representatives to the fifty-sixth session of the General Assembly has been communicated to the Secretary-General, by means of a facsimile communication from the Head of State or Government or Minister for Foreign Affairs, or by means of a letter or note verbale from the Permanent Mission concerned, by the following 70 Member States: Afghanistan, Albania, Bahrain, Belgium, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Estonia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, India, Indonesia, Iraq, Ireland, Kenya, Kiribati, Kyrgyzstan, Latvia, Liberia, Madagascar, Malawi, Marshall Islands, Mauritania, Mauritius, Mozambique, Namibia, Nauru, Nicaragua, Niger, Palau, Panama, Papua New Guinea, Paraguay, Peru, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Seychelles, Sierra Leone, Solomon Islands, Somalia, Swaziland, Tonga, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Vanuatu, Viet Nam and Yemen.

7. The Chairman proposed the following draft resolution for adoption by the Committee on the understanding that formal credentials for representatives of the Member States referred to in paragraph 6 of the present report would be communicated to the Secretary-General as soon as possible:

"*The Credentials Committee*,

"*Having examined* the credentials of the representatives to the fifty-sixth session of the General Assembly of the Member States referred to in paragraphs 5 and 6 of the report of the Credentials Committee,

"*Accepts*, the credentials of the representatives of the Member States concerned."

8. The draft resolution proposed by the Chairman was adopted without a vote.

9. The Chairman then proposed that the Committee should recommend to the General Assembly the adoption of a draft resolution (see para. 11). The proposal was adopted without a vote.

10. In the light of the foregoing, the present report is submitted to the General Assembly.

Recommendation of the Credentials Committee

11. The Credentials Committee recommends to the General Assembly the adoption of the following draft resolution:

Credentials of representatives to the fifty-sixth session of the General Assembly

The General Assembly,

Having considered the report of the Credentials Committee and the recommendation contained therein,

Approves the report of the Credentials Committee.

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General Assembly

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Fifty-sixth session
Agenda items 123 and 43

Proposed programme budget for the biennium 2002-2003

The situation in Afghanistan and its implications for international peace and security

Programme budget implications of draft resolution A/56/L.62

Report of the Fifth Committee

Rapporteur: Mr. Santiago **Wins** (Uruguay)

1. At its 39th meeting on 20 December 2001, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/56/31) on the programme budget implications of draft resolution A/56/L.62. The Committee also had before it the related report of the Advisory Committee on Administrative and Budgetary Questions (A/56/720).

2. Comments made in the course of the Committee's consideration of the item are reflected in the relevant summary record (A/56/C.5/SR.39).

Decision of the Fifth Committee

3. The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General (A/C.5/56/31) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/56/720), and on the basis of the recommendation of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 7 of its report, decides to inform the General Assembly that, should it adopt draft resolution A/56/L.62, an amount of $7,355,400 would be charged against the provision of $93.7 million (before recosting) for special political missions requested under section 3, Political affairs of the proposed programme budget for the biennium 2002-2003.

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Security Council

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General Assembly
Fifty-sixth session
Agenda items 24, 27, 48, 49, 58, 97, 98, 114 and 166

Review of the problem of human immunodeficiency virus/acquired immunodeficiency syndrome in all its aspects

Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly

Causes of conflict and the promotion of durable peace and sustainable development in Africa

Question of equitable representation on and increase in the membership of the Security Council and related matters

United Nations reform: measures and proposals

Sustainable development and international economic cooperation

Environment and sustainable development

Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 13 December 2001 from the Permanent Representatives of Japan and South Africa to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of the Japan-South Africa joint communiqué entitled "Japan-South Africa partnership in the new century", which was issued after the meeting between Thabo Mbeki, President of South Africa, and Junichiro Koizumi, Prime Minister of Japan, in Tokyo on 2 October 2001 (see annex).

01-71058 (E) 241201

We should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 24, 27, 48, 49, 58, 97, 98, 114 and 166, and of the Security Council.

(*Signed*) Yukio **Satoh**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan to the United Nations

(*Signed*) Dumisani Shadrack **Kumalo**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of South Africa to the United Nations

Annex to the letter dated 13 December 2001 from the Permanent Representatives of Japan and South Africa to the United Nations addressed to the Secretary-General

Japan-South Africa joint communiqué entitled "Japan-South Africa partnership in the new century"

(Tokyo, 2 October 2001)

1. Thabo Mvuyelwa Mbeki, President of South Africa, and his wife, Zanele Mbeki, accompanied by several ministers including Nkosazana Dlamini Zuma, Minister of Foreign Affairs; B. Ngubane, Minister of Arts, Culture, Science and Technology; A. Erwin, Minister of Trade and Industry; V. Moosa, Minister of Environmental Affairs and Tourism; A. T. Didiza, Minister of Agriculture and Land Affairs; and M. E. Tshabalala-Msimang, Minister of Health, paid a State visit to Japan from 1 to 3 October 2001, at the invitation of the Government of Japan. During the course of the visit they had an audience with the Emperor and Empress at the Imperial Palace on 1 October.

2. On 1 October, President Mbeki met Junichiro Koizumi, Prime Minister of Japan, and a wide range of views on bilateral relations, African regional issues, and multilateral issues were exchanged. President Mbeki renewed an invitation to the Emperor and Empress to visit South Africa. President Mbeki also extended an invitation to Prime Minister Koizumi to visit South Africa. Prime Minister Koizumi reaffirmed Japan's policy statement on Africa, made by then Prime Minister Yoshiro Mori during his visit to South Africa in January 2001, which emphasized the importance of support for development, conflict resolution and refugee aid. He reiterated that "there will be no stability and prosperity in the world in the twenty-first century unless the problems of Africa are resolved" and that "the problem of Africa is one of the most important issues for our global foreign policy".

3. During the course of their discussions, both sides acknowledged each other as important partners in the pursuit of a common world order based on peace, democracy, justice and equality, and that the already comprehensive political and economic relationship existing between the two countries needed to be further deepened, strengthened and diversified.

4. President Mbeki and Prime Minister Koizumi strongly condemned the terrorist attacks of 11 September in the United States of America, which were a grave challenge to freedom, peace and democracy, and could never be forgotten. They expressed their condolences to the families and friends of all those who lost their lives. Both countries emphasized that the international community needed to stand firmly together against terrorism and also confirmed that they were ready to take every possible measure for this purpose.

5. Both countries confirmed their common views on many of the issues facing the international community in the twenty-first century and expressed their determination to strengthen the cooperative relationship between North and South towards the achievement of international peace and prosperity. Japan commended South Africa's leadership as the Chair of various international forums including the Movement of Non-Aligned Countries and the Commonwealth, and its contributions to such international conferences as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

6. The two countries decided to intensify cooperation towards the successful conclusion of the World Summit on Sustainable Development to be held in Johannesburg in 2002. The two countries will also strengthen their cooperation on various global environmental issues, including global warming and freshwater resources, while taking note of the seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held from October to November 2001, and the Third World Water Forum, to be held in Kyoto, Japan, in March 2003.

7. Both countries confirmed their intention to cooperate and play an active role in order to launch a new round of multilateral trade negotiations at the

Fourth Ministerial Conference of the World Trade Organization in Doha, Qatar, in November 2001, with a sufficiently broad agenda, including the strengthening and improvement of World Trade Organization rules and other issues, while responding to the legitimate concerns of the developing countries.

8. Both countries acknowledged the importance of the role of the United Nations in world peace, stability, and prosperity and confirmed their position of working together for the early realization of United Nations reforms, starting with the reform of the United Nations Security Council, including the expansion of both permanent and non-permanent membership. In this regard, President Mbeki reiterated South Africa's support for a permanent seat for Japan in a reformed Security Council. Likewise, Japan expressed its support for developing countries' representation, including African representation in a reformed Security Council.

9. Both countries acknowledged the dialogue between the leaders of the G-8 and the developing countries, initiated by Japan during the Kyushu-Okinawa Summit in July 2000 and continued at the Genoa Summit in July 2001, as a typical example of successful cooperation between North and South. Japan attached importance to cooperation with South Africa in the area of information technology and expressed its willingness to facilitate cooperation for information technology dissemination throughout Africa. Japan also emphasized its active implementation of a US$ 3 billion programme over five years under the "Okinawa Infectious Diseases Initiative", also for African countries which are most seriously affected by infectious diseases. At the same time, Japan repeated its intention to contribute US$ 200 million to the Global AIDS and Health Fund, which is highly appreciated by the international community. South Africa welcomed the policy visits by the Japanese information technology and infectious diseases task teams to various African countries in this regard earlier in the year.

10. Both countries reaffirmed their conviction that African development should recognize the principles of Africa's "ownership of solutions" and "partnership with the international community". They welcomed the fact that the "Millennium Africa Recovery Program/ New African Initiative" (MAP/NAI), adopted by the Organization of African Unity (OAU) Summit meeting in July 2001, emphasized the principles of democracy, good governance and sustainable development. Japan expressed its intention to actively support this initiative through the Tokyo International Conference on African Development (TICAD) process, in cooperation with other G-8 countries. Japan proposed that the MAP/NAI should be one of the central themes to be discussed at the TICAD Ministerial-level Meeting to be held in Tokyo in December 2001. South Africa expressed its appreciation of Japan's leading role in calling the attention of the international community to African issues through the TICAD and G-8 summit processes and both countries expressed their trust that the international community would heed the call to contribute towards the development of Africa.

11. Both countries welcomed the establishment of the Japan-South Africa Business Forum for their business organizations and its first meeting to be held on 3 October 2001, which serve as an example of the growing dialogue between the two countries. They also welcomed the high-quality investments of Japan in the Southern Africa region in recent years, with the accompanying transfer of technology and employment creation. Japan expressed its commitment to encouraging private investment in African countries, including Southern Africa. South Africa, on its side, acknowledged the importance of efforts to improve its own investment environment. They looked forward to increasing trade, investment and economic joint ventures between the two economies.

12. Furthermore, Japan also welcomed the substantial progress made with respect to the reform of the Southern African Development Community (SADC) and the transformation of OAU into the African Union. Japan committed itself to supporting the strengthening of these organizations.

13. The two countries welcomed the efforts initiated by African leaders to prevent and resolve conflict and acknowledged, inter alia, the progress made towards the launching of an inter-Congolese dialogue, considered as crucial for the resolution of conflict and national reconciliation in the Democratic Republic of the Congo, the progress of national reconciliation in Burundi, and the progress towards the resolution of the land question in Zimbabwe.

14. Japan expressed its appreciation of South Africa's endeavours towards nation-building within the spirit of national reconciliation, and expressed its intention to implement measures to support South Africa's efforts

in promoting economic and social reforms aimed at the alleviation of poverty and the eradication of social inequality.

15. President Mbeki and Prime Minister Koizumi reaffirmed the content of the Japan-South Africa joint communiqué on a "Partnership between Japan and South Africa towards the Twenty-first Century", issued on 9 April 1998. They also welcomed the fact that, based on this communiqué, the relationship between the two countries has been steadily re-enforced and reiterated their determination to make continuous efforts to establish a balanced cooperative relationship in various fields. Both countries confirmed that the "Japan-South Africa Partnership Forum", which has convened four times so far, has re-enforced their relationship in a variety of areas and confirmed the utility of this forum in promoting the implementation of concrete proposals in a wide range of fields in the future. Within this framework, the two countries decided to consult regularly at the senior officials level on global issues such as United Nations reform, the environment, disarmament and non-proliferation, food safety and human security, as well as on problems facing Africa such as conflict and refugees.

16. Welcoming progress on bilateral cooperation in the area of science and technology, both Governments decided to start negotiations with a view to concluding an agreement on science and technology cooperation. They also shared the view that the conclusion of the first-ever agreement on science and technology cooperation, based on the principle of equality between, and mutual benefit to, Japan and an African country, would be of great significance.

17. In the area of agricultural and rural development, South Africa acknowledged the continued assistance and opportunities for capacity-training facilitated through the Japan International Cooperation Agency (JICA), and both countries reiterated the importance of ongoing cooperation in these sectors.

18. Both countries emphasized the importance of tourism and of cultural and sporting exchanges in support of the bilateral relationship and recognized the necessity of cultivating mutual understanding and friendship at all levels. Both countries took note of the increase in tourism from Japan to South Africa, and they confirmed their intention, in particular, to promote the exchange of youth within the framework of the Japan Exchange and Teaching (JET) programme and the dispatch of Japan Overseas Cooperation Volunteers (JOCV) to South Africa.

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Fifty-sixth session
Agenda items 121 and 130

Review of the efficiency of the administrative and financial functioning of the United Nations

Report of the Secretary-General on the activities of the Office of Internal Oversight Services

Report of the Fifth Committee

Rapporteur: Mr. Santiago **Wins** (Uruguay)

I. Introduction

1. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-sixth session the items entitled "Review of the efficiency of the administrative and financial functioning of the United Nations" and "Report of the Secretary-General on the activities of the Office of Internal Oversight Services" and to allocate them to the Fifth Committee.

2. The Fifth Committee considered the items at its 23rd, 24th and 39th meetings, on 5 and 6 November and 20 December 2001. Comments and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/56/SR.23, 24 and 39).

3. For its consideration of the items, the Committee had before it the note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the audit of the United Nations High Commissioner for Refugees Operations in Albania (A/56/128).

II. Consideration of draft decision A/C.5/56/L.27

4. At the 39th meeting, on 20 December, the representative of Botswana and coordinator of the informal consultations on items 121 and 130, introduced, on behalf of the Chairman, a draft decision entitled "Report of the Office of Internal

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Oversight Services on the audit of the United Nations High Commissioner for Refugees Operations in Albania" (A/C.5/56/L.27).

5. At the same meeting, the Committee adopted draft decision A/C.5/56/L.27 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft decision:

Report of the Office of Internal Oversight Services on the audit of the United Nations High Commissioner for Refugees Operations in Albania

The General Assembly takes note of the report of the Office of Internal Oversight Services on the audit of the United Nations High Commissioner for Refugees Operations in Albania,[1] and looks forward to the full and expeditious implementation of the recommendations contained in the report within the context of the annual report of the Office on its fifty-seventh session.

[1] A/56/128.

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Scale of assessments for the apportionment of the expenses of the United Nations

Report of the Fifth Committee

Rapporteur: Mr. Santiago **Wins** (Uruguay)

I. Introduction

1. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-sixth session the item entitled "Scale of assessments for the apportionment of the expenses of the United Nations" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 8th, 10th, 13th and 39th meetings, on 15, 16 and 18 October and 20 December 2001. Comments and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/56/SR.8, 10, 13 and 39).

3. For its consideration of the item, the Committee had before it the report of the Committee on Contributions.[1]

II. Consideration of draft resolution A/C.5/56/L.23

4. At the 39th meeting, on 20 December, following informal consultations, the representative of India, on behalf of the Chairman, introduced a draft resolution entitled "Scale of assessments for the apportionment of the expenses of the United Nations" (A/C.5/56/L.23) and made a statement regarding the understanding of the Committee in connection with operative paragraph 6 of the draft resolution (see A/C.5/56/SR.39).

5. At the same meeting, the Committee adopted draft resolution A/C.5/56/L.23 without a vote (see para. 7).

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[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 11* (A/56/11).

6. Following the adoption of the draft resolution, the representative of Cuba made a statement in explanation of position (see A/C.5/56/SR.39).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Scale of assessments for the apportionment of the expenses of the United Nations

The General Assembly,

Having considered the report of the Committee on Contributions,[2]

1. *Recalls* its resolution 55/5 A of 26 October 2000;

2. *Requests* the Secretary-General to update the information contained in the annexes to his report on the application of Article 19 of the Charter of the United Nations;[3]

3. *Recognizes* that multi-year payment plans, subject to careful formulation, could be helpful in allowing Member States to demonstrate their commitment under Article 19 of the Charter to pay off their arrears, thereby facilitating consideration of applications for exemption by the Committee on Contributions, and requests the Secretary-General to propose guidelines for such multi-year payment plans through the Committee on Contributions;

4. *Recognizes also* that it would be helpful for the Secretariat to be equipped with input from Member States on a schedule of payments or other information about their intentions to clear their accumulated arrears, and encourages Member States in a position to do so to provide such information;

5. *Urges* all Member States to pay their assessed contributions in full, on time and without imposing conditions, in order to avoid difficulties being experienced by the United Nations;

6. *Requests* the Secretary-General to propose or consider further measures to encourage Member States in arrears to reduce and eventually pay their arrears, and to report thereon to the General Assembly during the main part of its fifty-seventh session for subsequent consideration at its resumed fifty-seventh session.

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[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 11* (A/56/11); ibid., *Supplement No. 11A* and corrigendum (A/56/Add.1 and Corr.1).

[3] A/55/789.